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ABSTRACT

This handbook was written for those residents of St. Louis who would like to involve themselves in the social, political, and public education tasks which are central to the desegregation process. Section I presents a factual summary of events in the school desegregation case beginning with the filing of the initial suit in February of 1972. Section II offers an analysis of the current status of the school desegregation process in St. Louis. It is drafted from a perspective which views the desegregation process as a complex social, political and legal phenonmenon with profound and far-reaching effects. Section III outlines the components and workings of a community-based process through which the Court can pursue formulation of a court-ordered plan should it so choose. The final section of this report addresses itself to the process of plan implementation. Drawing on the lessons learned in other cities, general tenets of conflict resolution, and familiarity with the St. Louis community, the essential components of a comprehensive strategy for implementation of a court-ordered plan are presented.
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RESOLVING THE DESEGREGATION ISSUE
IN THE ST. LOUIS PUBLIC SCHOOLS
February 1978

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CENTER FOR METROPOLITAN STUDIES

• UNIVERSITY OF MISSOURI - ST. LOUIS

RESOLVING THE DESEGREGATION ISSUE IN THE ST. LOUIS PUBLIC SCHOOLS

- Summary of Events Since 1972
- Analysis of Policy Considerations
- Strategies for Resolution

A Report of the

CENTER FOR METROPOLITAN STUDIES
UNIVERSITY OF MISSOURI-ST. LOUIS

February 1978

Prepared by:

Richard H. Patton
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with Daniel J. Monti
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PREFACE

The report which follows is offered to the St. Louis community as part of the continuing commitment of the Center for Metropolitan Studies to provide assistance to the metropolitan region in community problem-solving and policy formulation. It is based on the conviction that the best solutions to social problems come from a process in which all of the actors are fully informed and equipped to participate in shaping the policies that affect their lives.

The work leading to this report has been supported in part through funding from the National Institute of Education, under contract 400-76-0103.

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INTRODUCTION: SCHOOL DESEGREGATION AS A SOCIAL POLICY ISSUE

In February of 1972 the Concerned Parents of North St. Louis brought suit against the St. Louis Public Schools contending that their children were the victims of discriminatory racial policies and practices. Since that time, considerable attention in the St. Louis community has been focused on the school desegregation issue.*

The initial tendency in St. Louis, as in other cities dealing with school desegregation, has been to regard that issue as primarily a legal matter. The great bulk of community activity related to the desegregation question -- as measured in money, hours of professional services, press coverage, and the emotional energies of City residents -- has been focused in the legal arena. The prevailing attitude seems to be that, for better or for worse, the school desegregation question will be resolved exclusively and finally by the courts.

To be sure, any resolution of the school desegregation issue in St. Louis will have to be in compliance with constitutional requirements, but the issues related to desegregation of a city's schools extend far beyond settlement of a legal question. The manner in which the school desegregation matter is resolved will have an impact on a broad spectrum of social issues ranging from the constitutional rights of minorities and the quality of urban education to patterns of residential housing location and strength of municipal tax base.

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*Such terms as desegregation, integration, segregation, discrimination, racial isolation, and racial balance are not used in the context of this document as legal terminology. They are used to describe general conditions and processes and should not be viewed as adhering to any strict legal or constitutional definition.

While there is a legal requirement that disposition of the school desegregation question in any given case meet constitutional standards, there is no requirement that constitutional compliance be sought from a perspective that ignores germane social and political considerations. All too frequently, however, that has been the approach taken in cities throughout the nation which have faced desegregation of their schools.

This report views school desegregation as a process in which resolution of attendant social and political questions is as critical in achieving a successful outcome as resolution of the legal issues. If a successful and lasting settlement of the desegregation issue is to be achieved, resolution will have to be pursued through avenues that accommodate both legal requirements and pressing social policy considerations.

As a legal issue, school desegregation usually becomes a judicial matter which falls within the purview of the Federal District Court. While there may be public discussion and even debate of some of the legal questions, resolution of those issues remains entirely within the jurisdiction of the court. There is a mass of constitutional and case law to direct the courts in resolution of the legal questions related to school desegregation. It is neither necessary, nor appropriate, that legal commentary be offered here.

As a social policy issue, there is comparatively little information to guide a community, its leadership, and its various political and social constituencies through the school desegregation process. As a result of this lack of information, the citizens in cities facing school desegregation often have failed to involve themselves in the social policy processes that are essential to resolving the school desegregation

question fairly and constructively. Communities going through the desegregation process often have undertaken policy-related tasks at a stage too late, or in a fashion too ineffective, to achieve success.

In that context, this monograph is offered as something of a handbook for those residents of the St. Louis area who would like to involve themselves constructively in the social, political, and public education tasks which are central to the desegregation process.

Court-ordered school desegregation -- the framework for the current activities in St. Louis -- is essentially a three-stage process. Initially the court must (a) make a determination whether the school system is guilty of constitutional violation. If violation is found, the desegregation effort proceeds through successive stages of (b) formulation and (c) implementation of a desegregation plan.

Determination of constitutional violation is strictly a judicial matter and is not addressed here. If violation should be found, however, it becomes necessary to devise and implement a desegregation plan. It is these second and third stages of the desegregation process -- plan formulation and implementation -- to which this paper primarily is addressed.

The initial substantive section of this report is offered for the benefit of those actors (and potential actors) in the desegregation process who have not been able to follow the current case from the outset. Section I presents a factual summary of events in the school desegregation case beginning with the filing of the initial suit in February of 1972. This section includes a synopsis of the plans of the parties in the litigation, and was reviewed by representatives of the parties and various technical assistance agencies prior to

Publication. While Section I of the report presents a comprehensive summary of events in the case to date, one important limitation should be noted. In summarizing the court proceedings related to the hearings still in progress at the time of publication, a complete overview of the trial proceedings cannot be conveyed. As of this writing only one block of plaintiffs has fully presented cases. The defendants and remaining plaintiffs still are to present arguments. Care must be taken not to let the informational weight of this partial summary bias the picture which is given of the trial proceedings. Periodic supplements to Section I of the report will be issued in order to keep the summary of events in the case current.

Section II of the report offers an analysis of the current status of the school desegregation process in St. Louis. It is drafted from a perspective that views the desegregation process as a complex social, political, and legal phenomenon with profound and far-reaching effects. This section provides much of the conceptual base from which subsequent recommendations and strategies are offered in sections III and IV.

Formulation of a desegregation plan traditionally has been the function of the court, although there is no legal necessity that the court be the sole party to that process. Court-ordered plans -- whether fashioned by a master, one of the parties to the litigation, or the judge -- usually have been narrow in scope. Compliance with constitutional requirement often becomes the major focus of the formulation process, and the plans which result may lack sufficient educational quality or political viability for effective implementation. The

original Consent Decree, which has provided the framework for activities related to the case since its issuance in December 1975, offered a vehicle through which the Court could address the issue of remedy from a perspective which was broad enough to consider social and political, as well as legal issues. While there has been a change in the legal complexion of the St. Louis case, it is still possible to pursue formulation of a remedy, should that become necessary, through a process that gives due consideration to educational quality, political viability, and the other social concerns which frequently have been overlooked in other cities. Section III of this report outlines in detail the components and workings of a community-based process through which the Court can pursue formulation of a court-ordered plan should it so choose.

Formulation of a desegregation plan is only part of the task which the community faces in successfully handling the desegregation issue. Even if an educationally sound, politically workable, and constitutionally valid remedy can be devised, it must be implemented intelligently and be widely acceptable to the community if the remedy is to prove successful. Section IV of this report addresses itself to the process of plan implementation. Drawing on the lessons learned in other cities, general tenets of conflict resolution, and familiarity with the St. Louis community, the essential components of a comprehensive strategy for implementation of a court-ordered plan are presented.

Finally, it should be stressed that none of the materials which follow address the nature or content of a desegregation plan. The factual summary of events related to the case is offered on its own merits in the hope that it will provide a useful informational tool to

anyone interested in the case. The policy analysis which is included attempts to present a clear and comprehensive picture of the issues which are involved in the case, and the implications of pursuing various routes of resolution. The recommendations for strategies to be employed in fashioning and implementing a desegregation plan are directed to achieving peaceful and orderly implementation of a sound and viable desegregation plan in the event the Court finds constitutional violation and requires that a remedy be constructed.

I.

A SUMMARY OF EVENTS RELATED TO THE CURRENT SCHOOL DESEGREGATION CASE (to February 17, 1978)

Initial Litigation and the Consent Decree

The current activities related to the desegregation of public schools in the City of St. Louis were initiated through a suit filed in February 1972 by a group known as the Concerned Parents of North St. Louis. The suit alleged that the children who were named as plaintiffs and represented by their parents, were victims of discriminatory racial practices and policies which had been established by the Board of Education of the City of St. Louis. As a result of those alleged discriminatory practices, the plaintiffs contended that their children had not received the same quality of education which other students in the St. Louis public school system had been afforded. The legal basis for the suit was the contention that the 14th Amendment of the United States Constitution, which insures equal protection of the law, had been violated. Through the suit, the Concerned Parents approached the Court for remedy of the alleged constitutional violation.

On December 24, 1975, in responding to the plaintiffs' original suit, Judge James H. Meredith of the U.S. District Court for the Eastern Division of the Eastern District of Missouri approved a Consent Decree which had been developed by the School Board and the original plaintiffs. The Decree bound the St. Louis School Board and the original plaintiffs together under a comparatively brief and flexible set of guidelines within which they were to work to develop more detailed desegregation plans to propose to the Court.

The Consent Decree issued by Judge Meredith has lent a unique flavor to the subsequent activities related to school desegregation in the City of St. Louis. Unlike the court judgments related to desegregation which have been issued in other major urban school systems in the United States, the St. Louis decree did not order a detailed desegregation plan. The Consent Decree had, in the interest of "saving the time, burden, and expense of future hearings," by-passed the phase of litigation directed to determination of guilt, and moved directly to the remedy phase of the proceedings. Without a determination by the Court that the St. Louis School System had been guilty of practices which were racially discriminatory, the plaintiffs and defendants consented to work under the general guidelines of the Court's judgment to reduce racial isolation and improve the quality of education in the City's schools.

The primary provision of the Consent Decree was paragraph 4 in which the Court, drawing upon its equitable injunctive powers, enjoined the School System from discriminatory practices. The School System and the system's personnel are, in the language of the Decree, "enjoined and prohibited from discriminating on the basis of race or color in the operation of the School District of the City of St. Louis, and shall be required to take affirmative action to secure unto plaintiffs their right to attend racially nonsegregated and nondiscriminatory schools, and defendants will afford unto plaintiffs equal opportunities for and education in

a nonsegregated and nondiscriminatory school district, and shall be required to take the affirmative action hereinafter set forth."

Other provisions of the Decree specified some affirmative action measures that the School System was to undertake, although the system's obligation to operate in a non-discriminatory fashion was not limited to simple compliance with the programmatic requirements specified in the Decree. One major provision of the Consent Judgment related to the establishment of a Magnet School program (or alternative schools). Under paragraph 10 of the Decree, the Magnet program was established in the 1976-77 school year.

A second primary programmatic provision of the Decree was that the St. Louis Public Schools comply with a set of graduated guidelines directed to the achievement of staff racial balance. Under this provision, no school in the system was to have a staff with less than 10 percent minority composition in the first year of the decree (the 1976-77 school year), less than 20 percent minority composition in the second year of the decree (1977-78 school year), or less than 30 percent minority composition in the third year of the decree (1978-79 school year). Minority staff composition was defined in relation to the predominant racial group among the staff at each individual school.

The third primary provision of the Consent Decree was a requirement that the School System undertake a study of realignment of all elementary feeder schools to the academic high schools for the purpose of reducing racial isolation and segregation at the high schools. A report was to be submitted to the Court by January 15, 1977, with implementation to begin in September of 1977. Before the School System's plan could be implemented, it would have to meet with the approval of the Court and the original plaintiffs.

The response of the National Association for the Advancement of Colored People (NAACP) to the issuance of the decree was not favorable. In late January of 1976, approximately one month after the consent judgment had been signed, the NAACP petitioned the Court to enter the case with the same status as the original plaintiffs. It was the contention of the NAACP that the original plaintiffs -- the Concerned Parents of North St. Louis -- did not adequately represent the needs of all the children allegedly victimized by discriminatory school system practices, and that the Consent Decree was deficient "because it does not mandate desegregation forthwith."

Judge Meredith denied the NAACP's request for plaintiff status and set aside the organization's objections to the decree, ruling that their motion to enter the case was untimely and that "the decree is adequate at this time." Following Judge Meredith's ruling, the NAACP moved to appeal the denial of plaintiff status.

Other objections to the decree were filed by teachers' organizations. The Court denied the petitions, and the denials were not appealed.

Establishment of the Magnet School Program

Between January and December of 1976, there was little notable legal activity surrounding the desegregation process. Most of the attention of the School System and the other actors in the process was centered on the effort of the system to obtain funding for, and establish, the Magnet School program by the beginning of the 1976-77 school year. The activity of the NAACP, which was awaiting the outcome of its appeal on Judge Meredith's denial to grant it plaintiff status, was largely limited during this period to public criticism of the consent agreement. Particular emphasis was placed on the exclusion of busing from the avenues for remedy outlined by the Court.

Late in the summer of 1976 the School District received approximately $2 million -- about half the Emergency School Aid Act funds it had requested. Those funds were combined with a share of District funds to establish the Magnet School program which began operation with the opening of the new school year in September 1976. When the program commenced, there were some 2,400 students in ten magnet school sites. The program was directed to achievement of a 50-50 racial balance as an ideal in each of the ten magnet schools, with an enrollment variation up to 20 percent either way permitted. While there was a good amount of community support for the magnet schools, as the first semester of school drew to an end the National Education Director of the NAACP voiced objection to the limited number of students involved in the magnet program, and charged that it was simply "a method of delaying meaningful desegregation."

Extension of Intervenor Status to the NAACP

In December of 1976, one year after the Consent Decree had been issued, the legal complexion of the case changed markedly when the 8th

Circuit U.S. Court of Appeals granted the NAACP intervenor status in the case. The NAACP announced immediately that it would focus on a range of alternative plans, including busing, to achieve system-wide desegregation. The response of the School Board to the admission of the NAACP to the case was to file a petition with the Appeals Court asking that the admission be reconsidered. The Concerned Parents of North St. Louis, the original plaintiffs in the case, also opposed the admission of the NAACP. The opposition of the original plaintiffs was not based on an objection to the admission per se, but on a desire to maintain the litigative base which had been established by issuance of the Consent Decree.

In late January of 1977, the Appeals Court turned down the School Board's request to reverse the decision granting the NAACP intervenor standing in the case. The Board of Education then appealed to the U.S. Supreme Court to block the order allowing intervention by the NAACP. In addition, the Board asked the Supreme Court to void the Appeals Court decision on the limitations of the Consent Decree. In the week following this round of legal action, two members of the School Board urged that the Board withdraw its appeal to the high court.

Events Surrounding Submission of the School Board Proposal for Desegregation

January 15, 1977, had been set by Judge Meredith as the date by which the School Board must submit its proposal to the Court in response to Paragraph 9 of the Consent Decree, outlining a plan for realignment of feeder elementary schools to the high schools for the purpose of reducing racial isolation. In the flurry of the legal activity of December and January, the Board had requested, and been granted, an extension of the deadline for submission of its proposal for the 1977-78 school year. The Court granted an extension until February 28, 1977.

Through a series of "Decision Seminars" involving consultants and hundreds of students, teachers, parents, administrators, board members and Citizens Education Task Force members*, held in January and February of 1977, desegregation proposals were developed and informally submitted to the Board of Education for review prior to the Board's submission of its plan to the Court. As the Board reviewed the proposal, the Citizen's Education Task Force initiated a series of public meetings on "Understanding Desegregation Processes." The Task Force move came because a number of desegregation specialists had advised that a successful school desegregation effort was dependent on involving the public in the process as early and fully as possible. It did not appear that any of the other actors in the desegregation process were going to initiate establishment of a vehicle for broad and systematic community input, so the Task Force moved to meet that need. The first of the CETF forums was held on February 20, 1977 and they continued through the late Spring of that year.

On February 22, 1977 on the basis of a 4-4 vote, the U.S. Supreme Court denied the School Board's motion to review the limitations of the Consent Decree and rescind the legal standing of the NAACP in the case. The stage then was set for the February 28 submission of the Board's proposal to the Court. The question of which parties had legal standing had been clarified, and all parties were operating within the context of the Consent Decree.

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*The Citizens Education Task Force was established in 1975 by joint resolution of the Board of Education and the St. Louis Board of Aldermen to facilitate citizen input and assistance to the public schools in the City of St. Louis.

The Board Proposal Submitted in Response to Paragraph 9 of the Consent Decree

On February 28, 1977, the School Board submitted its desegregation proposal for the 1977-78 school year as required by the Court. The report, which was prefaced with a recommendation that eventual consideration be given to a City-County plan for school desegregation, proposed a four-year plan for easing racial isolation in the high schools.

The core of the proposal submitted by the Board provided for the establishment of a junior high school system in the City. In Year 1, three junior high schools would be established involving some 2,000 seventh, eighth and ninth grade students. The pattern of elementary schools feeding into the junior highs would establish a racial ratio of approximately 50-50 in each.

Additional aspects of the Year 1 proposal called for expansion of the Magnet School program, curricular improvements to address racial imbalance, establishment of a team to begin planning of an educational park, conversion of O'Fallon Technical Center to a four-year vocational school, and initiation of plans to switch the Harris Teachers College and Vashon High School sites. The proposal also provided for continued planning and community involvement in the school desegregation process, and exploration of the possibility of a metropolitan desegregation plan. Activities for the remaining three years of the proposal were directed for the most part to expansion of the junior high system and implementation of efforts initiated in Year 1. The Concerned Northside Parents and the NAACP were given until March 29 to file a response to the Board proposal.

Community Reaction to the Board Proposal

Submission of the Board's plan touched off a variety of community responses. The strongest reaction to the Board proposal centered on opposition to the busing it would entail, statements supportive of the concept of neighborhood schools, and concern about the loss of neighborhood-level educational resources such as Community School programs, middle schools, and the identity of specific high schools. The Board proposal was criticized as both going too far and not far enough.

Much of the organized opposition to the proposal emanated from predominantly white areas of south and south central St. Louis. Opposition focused on busing and placement of small numbers of white students in predominantly black schools. One of the first groups which was organized, The Involved Citizens' Committee, proposed an alternate plan to the Board which focused on location of one junior high and subsequent feeder patterns to the high schools. The alternative plan was reviewed and rejected by the Board.

The second group which was organized, Concerned Parents for Neighborhood Schools, based its general opposition to the Board proposal on its feeling that race was used as the sole determinant in formulation of the plan which was submitted to the Court. It was the contention of this group that assignment of white students to "inferior schools" solely on the basis of color was a discriminatory and unconstitutional practice. The Concerned Parents for Neighborhood Schools approached the Court seeking status either as intervenors with legal standing in the case or as friends of the Court.

Among those who had participated in the School System's Decision Seminars, there was substantial feeling that the School Board proposal bore little relation to the work they had done.

The Plaintiffs' Response to the Board Proposal

The responses of the Concerned Parents of North St. Louis (the original plaintiffs) and the NAACP (intervening plaintiffs) were filed with the Court in late March 1977. Both groups rejected the Board proposal. The central contention in the argument of each group was that the Board proposal did not go far enough in its efforts to desegregate the City's schools. The brief filed by the Northside Parents termed the Board proposal "piecemeal" and argued that the plan "is so devoid of constitutional requirement as to indicate a lacking in good faith."

The Addition of Actors to the Process

One of the most immediate effects of the submission of the School Board plan was to increase the number of groups that wanted to become parties to the litigation. During the Spring of 1977, four parties, some of whom had petitioned for full legal standing in the case as intervening plaintiffs, were granted the status of Amicus Curiae -- friends of the Court.

The amicus status, which allowed the groups to submit material and information which pertained to the case to the Court, stopped short of extending full legal standing to the groups. The parties which were granted "friend of the Court" status at this time were the Concerned Parents for Neighborhood School (Adams, et. al.), the Involved Citizens

Committee (Puleo, et. al.), the City of St. Louis, and the Civil Rights Division of the United States Department of Justice.

* * *

By late Spring of 1977 all of the parties who held full legal standing in the case, and several which held status of friends of the Court, had drafted formal plans and submitted them to the Court. Three of the plans -- those submitted by the Concerned Parents of North St. Louis, the NAACP, and the U.S. Justice Department -- called for more far-reaching steps to improve racial balance in the St. Louis public schools than had been proposed by the School System. The plan submitted by the Involved Citizens Committee suggested a slight alteration in the proposal which had been submitted by the Board.

A brief summary of each of the plans is included below.

The Plan Submitted by the Original Plaintiffs -- The Concerned Parents of North St. Louis

The Plan submitted by the original plaintiffs, the Concerned Parents of North St. Louis, was filed on May 23, 1977. It offered a proposal for the reduction of racial isolation that was tiered by grade level, and called for the reduction of the number of elementary schools to 65 from 131 and the closing of three high schools.

Under the Northside Parents plan, sub-districts and feeder patterns would be eliminated and students would be grouped by grade level -- kindergarten through third grade, fourth through sixth grade, seventh through ninth grade, and tenth through twelfth grade. At the lowest grade level, students would be assigned to schools within walking distance of their homes, with attendance boundaries being drawn to maximize racial integration. At subsequent grade levels, a transportation system would be introduced and a racial mix of approximately 40 percent white to 60 percent black would be maintained in most schools.

Other elements of the plan called for establishment of O'Fallon Technical High School as a three -- rather than four -- year program, and a study of the System's special education program with a view toward reducing racial isolation. A component of the plan relating to special education called for the establishment of a task force to study the possibility of merging the special education programs in St. Louis City and County.

Finally, the original plaintiffs' plan suggested the establishment of a desegregation planning group within the School System. The planning group would be comprised of system personnel at all levels and would address five primary functions related to the desegregation process. The functions this group would focus on included:

-- Staff development

-- Administrative re-assignment

-- Training and information dissemination for non-professional employees

-- Dissemination of public information

-- Generation of community support

Eventually the desegregation planning group would evolve into a desegregation planning committee, and its operations would run concurrently with those of a citizens monitoring commission which would also be established under the plan.

The Plan Submitted by the NAACP as Intervening Plaintiffs

The NAACP's proposed plan for desegregation of the City schools was filed on May 25, 1977. All of the components of the plan were geared to a goal of "quality integrated education."

Under the plan, a variety of desegregation techniques, including revised feeder patterns, pairing, clustering, and rezoning, were proposed to reduce racial isolation in the school system. A pattern of district boundaries would be retained, but the current boundaries would be altered to create five new districts which had both contiguous and non-contiguous territory. In proposing desegregation of the schools through use of these techniques, the plan called for transportation of black and white children in approximately equal numbers.

It was suggested in the plan that magnet and alternative programs be continued, and that special services such as free lunches, hot breakfasts, etc., be provided at all schools. In recommending that no child suffer a reduction in services, the plan called for all current, and some additional, Title I funding to follow eligible children to their new schools.

The K-8 and 9-12 grade structure would be kept intact under the plan, but it would allow the School System to later adopt a junior high program if funds become available and such a shift did not adversely affect racial balance. A variety of other educational choices were left to the School System in implementation of the desegregation plan, again with the provision that such choices were not exercised to reduce racial integration. Like the plan of the Concerned Parents of North St. Louis, the NAACP plan called for the closing of a number of schools.

The Plan Submitted by the Involved Citizens Committee as a Friend of the Court

Early in the Spring of 1977, Judge Meredith indicated that he would accept the submission of information and suggestions of any group in the community, or any group involved in the desegregation issue, as a friend

of the Court. The first such group to organize and submit a plan to the Court was the Involved Citizens Committee. Their alternative plan was filed on March 28, 1977.

The limited interests of the group were reflected in the plan it submitted. The Involved Citizens Committee plan called for a revision of only one portion of the proposed plan which had been submitted by the School System. Specifically, the Committee's plan asked that Hamilton School, rather than Cook, be chosen as the site for the school system's junior high in the west end, and that Hamilton School then feed into Southwest High School instead of Soldan, as the Board had proposed.

The Plan Submitted by the U.S. Department of Justice as a Friend of the Court

The Justice Department also presented an alternative to the plan submitted by the Board of Education. Filed on May 25, 1977, and citing the short time between the July 25th hearing date set by the Court and the commencement of school, the Government submitted an abbreviated plan which focused on desegregation at the secondary level.

Calling for implementation of a desegregation plan by September of 1977, the Justice Department proposed a new set of high school attendance boundaries which would reduce racial isolation. Under the plan, two high schools would remain predominantly black, but the remainder of the secondary schools would have a racial composition of approximately 70 percent black and 30 percent white, with some having an even higher degree of racial balance. The 70-30 ratio would roughly reflect the overall black-white student composition of the school district.

Legal Activities During the Spring of 1977

In addition to the submission of alternative plans, the School Board's filing of its proposed plan under paragraph 9 of the Consent Decree led to legal activity that continued through the Spring and Summer.

As mentioned earlier, several groups approached the Court seeking full legal standing in the case. While all were denied full standing, each was extended amicus status. The groups seeking full status, in addition to those seeking only amicus status, played as active a legal role as possible given their limited standing. By mid-spring the list of parties with amicus status included the Involved Citizens Committee, the Concerned Parents for Neighborhood Schools, the U.S. Department of Justice, and the City of St. Louis.

The legal maneuvering increased as the July 25, 1977, Court hearing date drew nearer. Depositions were taken, interrogatories filed, and reports submitted to the Court. Witness lists were submitted and revised; deadlines were set, then extended. Motions to proceed with implementation of a desegregation plan by Fall of 1977 were greeted with countermotions to stay any further court-ordered desegregation programs and dismiss the case. Almost every party in the case asked that the other parties' proposed plans be set aside, and there was an on-going series of motions by various friends of the Court to intervene as plaintiffs.

While the legal activity seemed to make the case increasingly complex, several things became apparent as Spring wore on.

First, the parties with full legal standings in the case -- the Board of Education of the City of St. Louis, the Concerned Parents of North St. Louis, and the NAACP -- were not coming to agreement on a

comprehensive desegregation plan. Moreover, the extension of amicus status to the large number of parties who were attempting to play an active role in the case had made the case even more complex. The ideological stances, political and legal motivations, fears, and concerns that were now at issue in the case were even more disparate and fragmented than they had been during the preceeding five years.

Secondly, it slowly became clear that it was unlikely that the major component of the desegregation plan that had been envisioned under the Consent Decree would be implemented at the beginning of the 1977-78 school year, as had originally been intended. The inability of the parties to come to agreement on a plan, coupled with the increasing legal complexity of the case, served to bring progress toward resolution of the desegregation issue to all but a complete halt.

A final attempt was made during the month of April to bring the issue to resolution.

Attempts at Resolution Under the Consent Decree

In mid-April 1977, attorneys for the St. Louis Board of Education again mounted a series of legal moves in an attempt to bring the case to resolution. A petition went to the U.S. Supreme Court once more seeking review of the intervenor status extended to the NAACP by the 8th Circuit of the U.S. Court of Appeals. Another Board motion was filed with Judge Meredith's Court seeking dismissal of the objections to the Board's plan which had been filed by various parties to the suit and friends of the Court. A ruling from the Court on the Board plan was sought by May 1, to allow adequate lead time for implementation if the plan were to be in operation by the beginning of the following school year.

A meeting on the status of the Board's desegregation proposal was called by Judge Meredith for April 21, 1977. Attorneys for all groups who were party to the suit, or who had been granted friend of the Court status, were present, as were lawyers from the Missouri Attorney General's Office representing the State Board of Education, and attorneys from the Civil Rights Division of the U.S. Department of Justice. Also present was legal counsel for the City of St. Louis, which was granted permission to attend the meeting on the day prior to which it was held. The purpose of the meeting, as announced by Judge Meredith, was "to determine if there is any common ground on which we can proceed." In lieu of agreement on substantive issues, attorneys would be asked to agree on a schedule for studies, hearings, and other proceedings.

The "common ground" which Judge Meredith had hoped to define in the meeting of the 21st was not found. The parties to the suit and friends of the Court were found to be arrayed across the full range of positions in relation to the School Board's proposal. The School Board, the defendant in the suit, argued for implementation of the plan it had devised. The plaintiffs -- both the Concerned Parents of North St. Louis who had initiated legal proceedings and the NAACP, which had been granted intervenor status by the 8th Circuit of the U.S. Court of Appeals -- argued that the Board's proposal was not sufficient to achieve meaningful desegregation. Those groups holding friend of the Court status who represented the City or groups in the community -- the Concerned Parents for Neighborhood Schools, the Involved Citizens Committee, and the City of St. Louis itself -- all argued against the Board proposal, contending in essence that it went too far.

The only point to which the parties agreed was that the School Board could proceed with its plan to expand the Magnet and other special schools programs in the 1977-78 school year. The attorneys met the following day, April 22, and again found no apparent grounds for proceeding jointly.

On April 22 Judge Meredith ordered all parties and friends of the Court to submit any alternative plans by May 23, and to prepare for hearings on the issue that would begin on July 25 1977. The Judge also denied a motion by the City of St. Louis to intervene in the case with full legal standing, but the City was extended status as a friend of the Court.

After the meetings which had been convened by the Judge on April 21 and 22, the last hope for agreement on a plan which could be implemented in the Fall faded. Legal activity in the case centered on procedural maneuvering in preparation for the July 25th hearing which had been set by the Judge.

Attempts to Establish Vehicles for Mediation or Joint Deliberations by the Parties

As hopes for speedy resolution of the desegregation issue through legal avenues began to fade, support for the idea of seeking resolution by bringing the parties together in joint discussion or a mediation setting under the Consent Decree arose in several parts of the community.

It was the feeling of a number of the parties to the suit, as well as a variety of community organizations, technical assistance agencies, and civic leaders, that the advantages that the Consent Decree had offered as a vehicle for resolution were on the verge of being lost. One frequently cited advantage of the Consent Decree was that it would allow

formulation of a desegregation plan through a process which could enhance both the educational quality and political viability of any plan which emerged. Court-devised plans for school desegregation which had been ordered in other cities typically had been focused on the legal requirements for constitutional compliance. Almost without exception, those plans had proven weak when analyzed from the perspective of educational quality or maximizing broad community acceptance.

In addition to sacrificing the potential for increased educational and political soundness of a plan which would grow from Judge Meredith's Consent Decree, another concern emerged as the case became more legally complex — that of time. While pursuit of resolution of the desegregation issue through strictly legal avenues had definite educational and political shortcomings, it had, at one point, offered the advantage of relatively speedy resolution. When the Consent Decree was signed on December 24, 1975, it had appeared that as of September 1977 a comprehensive desegregation plan of some kind would be in effect. Now that the parties had not reached agreement, and, perhaps more importantly, now that there had been rapid proliferation of the number of issues before the Court and the number of parties with the right to appeal, the hope for rapid legal resolution began to receed.

In spite of the many advantages offered by the Consent Decree -- reduced legal cost and increased possibility for educational and political soundness -- it appeared to have one procedural flaw. The decree did not provide any mechanism through which the parties could work in a structured fashion toward resolution. In mid-Spring of 1977, with hope for agreement among the parties beginning to fade and the case becoming

increasingly complex, several initiatives emerged from the community which were directed to bring the parties together in an attempt to move toward resolution.

The first such effort arose from a public seminar on school desegregation that was held as part of the Metropolitan Forum series sponsored by the Center for Metropolitan Studies of the University of Missouri-St. Louis. At the April 30 program on "Magnet Schools and Desegregation", members of the program panel agreed, in responding to questions from the audience, that they would like to sit down in good faith to discuss the school desegregation situation and attempt to develop a plan that could be acceptable to all the parties. Panel members at that meeting included James DeClue, Chairman of the Education Committee of the local NAACP; Minnie Liddell, a spokeswoman for the Concerned Parents of North St. Louis; Samuel Miller, Director of the Magnet School Program; Dorothy Springer, a member of the St. Louis Board of Education; and Robert Wentz, Superintendent of the St. Louis Public Schools. The convenor and moderator of the program was James Laue, Director of the Center for Metropolitan Studies at UMSL. Everette Nance, then Director of the Citizens Education Task Force, served as a discussant on the panel's five-hour deliberations.

At the close of the Forum, it was decided that a formal effort would be made to bring the parties together in a series of meetings at a future date. Laue assumed a central role in attempting to lay the ground work for such an effort. Preparation consisted of two primary tasks:

1) Drafting of a letter of agreement to be signed by the parties outlining the purpose of the meetings and the ground rules under which they would be carried out; and

2) Exploration of the acceptability of such a course of action with the Court.

This attempt to convene the parties broke down in the final stages when one of the groups decided not to sign the letter of agreement. The Concerned Parents of North St. Louis decided that it would not be advantageous to join in any mediaton or negotiation process at a time when the School System's proposal was the only one that had been fully developed and placed before the Court. Such a situation, the concerned parents felt, would weaken their position and tend to place treatment of the desegregation issue on the School Board's terms. There was general recognition of the merits of this position by Laue and the other parties involved, and a decision was made to hold off on any mediation effort until all parties had submitted alternatives to the School Board Plan.

The second major effort to get the school desegregation issue into a non-litigative process of deliberation in which resolution might be sought arose in the late summer of 1977. The initiating force behind this effort was John Ervin, Vice-President of the Danforth Foundation.

Ervin contacted the parties involved in the case to test their receptivity to meeting, and then undertook formation of a community panel which would serve as a conduit for possible discussion and deliberation between the parties. While the plan was never announced publicly, indications are that the panel consisted of William Collins (Pastor of the Antioch Baptist Church), Theodore McNeal (past President of the St. Louis Board of Police Commissioners), James Meyers (President of the St. Louis Labor Council, AFL-CIO --and, alternately, Oscar Ehrhardt of the Council), Paul Reinert (Chancellor of St. Louis University), Armand Stalnaker (Chief

Executive Officer of General American Life Insurance and President, Regional Commerce and Growth Association), and Leonor K. Sullivan (former Congresswoman from Missouri's Third Congressional District).

Ervin was to serve as moderator of the panel.

Although the nature and structure of the deliberations were intentionally left flexible in the planning stages, the original intent of the effort apparently was to have the panel meet with all of the parties at least once before the October 17 trial began. It was, however, early December before the panel had met with all of the litigants in discussions which focused on the stance of each on the school desegregation issue.

In addition to these two initiatives directed at convening the parties to seek resolution in the spirit of the Consent Decree, there is some evidence that several less formalized efforts to facilitate resolution were initiated in 1977. Civic Progress, (a group consisting of the chief executive officers of major St. Louis corporations) developed an interest in efforts to seek resolution of the desegregation issue, and began informal discussions with some key actors in the case in the Fall of 1977. There are indications that Civic Progress may be waiting for further developments in the legal process before formally taking any action. There is also some evidence that there are continual informal discussions between the School System and some of the pro-desegregation plaintiffs in the case. In addition, the Mayor of the City of St. Louis, James Conway, recently has met informally with all of the parties in the case, and individual representatives of plaintiffs on both sides of the issue have met from time to time to explore mutual concerns.

Important Changes in the Legal Complexion of the School Desegregation Case

On July 13, 1977, amidst the on-going legal activity and continuing efforts in the community to establish a vehicle for joint discussions, Judge Meredith issued a Court order which markedly changed the nature of the case.

Since December of 1975, all parties had been proceeding under a Consent Decree in which they were attempting to come to agreement on a school desegregation plan acceptable to the Court. The parties who were signatories to the decree were seeking to reach agreement on a school desegregation plan in a context in which the question of constitutional violation by the School Board had been set aside. Both the parties and the Court were looking past the question of violation and attempting to proceed with resolution of the basic problems at issue. As of mid-summer 1977, the parties with legal standing in the case had been able to agree only on the component of the Consent Decree dealing with the Magnet School program. They could not reach accord on a comprehensive desegregation plan for the City schools.

In light of Supreme Court findings which had come in late June of 1977 in other major desegregation cases -- most notably the Detroit, Dayton, and Omaha cases -- Judge Meredith ruled in his July 13th order that it would now be necessary in the St. Louis case "to determine if there had been a constitutional violation by the defendants." The Court went on to say that "the remedy to be adopted by the Court will depend on the nature and extent of the constitutional violation, if any."

An initial hearing date had been set for July 25, but a court order issued on July 14 postponed the trial to October 17, 1977. The trial would deal with the questions of both violation and remedy.

Another significant change in the legal make-up of the case emerged as additional parties were either extended full legal standing as plaintiff-intervenors in the case, or named as co-defendants. Over the course of the summer of 1977 several parties who previously had held status as friends of the Court were extended intervenor status. Included in this group were Adams, et al, (The Concerned Parents for Neighborhood Schools); Puleo, et al, (The Involved Citizens Committee); The United States of America; and the City of St. Louis. Named as co-defendants in the case were the State of Missouri, the Commissioner of Education of the State of Missouri, and the State Board of Education. The State was named as a co-defendant in the St. Louis case, as state educational agencies have been in many school desegregation cases, because it is the State which has ultimate legal responsibility for the education of children. Citation of the State of Missouri as a co-defendant is important because, if constitutional violation is found and a plan for remedy imposed, the State can be made to bear part of the cost of implementing the remedy.

These groups became parties in the case in addition to the original plaintiffs, (Liddell, et al, The Concerned Parents of North St. Louis), the original defendants (the Board of Education of the City of St. Louis), and the National Association for the Advancement of Colored People, which had already been extended intervenor status.

The First Segment of the Desegregation Trial: October 17-28, 1977

On October 17, 1977, the trial began in the Court of Federal District Judge James Meredith to determine if the St. Louis School Board had been guilty of constitutional violation in denying equal protection of the law to all children served by the St. Louis Public School System. If constitutional violation were found, the Court would proceed to impose a plan for remedy. The legal proceedings are unusual in that the question of the School System's constitutional liability and the possible avenues for remedy are to be explored simultaneously. The more common procedure is to first make a determination of constitutional violation and then, if necessary, hold a series of hearings to address the issue of remedy. All parties were present when Court convened, but the attorney for the Involved Citizens Committee announced that they would not participate in the trial.

The initial segment of the trial ran from October 17-28. Through a witness-pooling arrangement, the trial focused on a series of witnesses called by the NAACP, the original plaintiffs (Liddell, et al), and the Civil Rights Division of the U.S. Department of Justice. After direct examination of witnesses by these parties, the defendants and remaining plaintiff-intervenors pursued cross-examination.

Summary of testimony in the first two weeks of the trial is probably best achieved by dividing it into two primary categories. The first, and more brief, topic of examination was the relationship between the racial distribution of population in the City and the establishment -- and subsequent alteration -- of school attendance boundaries. In testimony which took 1½ days, William Lamson, a demographer for the NAACP presented a

series of maps for each diennial census from 1930 to 1970 showing population distribution in the City of St. Louis by race. This analysis essentially showed a small and highly concentrated pocket of black population in and around the old Millcreek area which spread first slowly, and later rapidly, primarily northward and westward.

The second portion of Lamson's demographic presentation focused on a series of transparent map overlays which showed the initial school attendance boundaries when the dual school system was formally abolished in 1954, and the annual adjustments which were made in these boundaries from 1954 through 1977. The testimony indicated an apparent southward expansion of the boundaries of all-black schools as black population began to move southward, with a simultaneous contraction of white school boundaries.

The demographic testimony was detailed and lengthy, and on a number of occasions the Judge questioned counsel for the NAACP, which was presenting the witness, on whether there were some way to shorten the testimony and introduce the information being presented directly into the record.

The second major topic on which testimony was presented during the initial two-week segment of the trial was that of school system policies and practices pertaining to racial distribution of students and staff in the system.

The bulk of testimony presented during this phase of the hearing was given by William Kottmeyer, former Superintendent of the St. Louis Schools. Kottmeyer, during four days of testimony, offered explanations for a wide range of school system practices in the period 1954 to 1970, stating that all were consistent with the Board of Education's policy of seeking "full integration consistent with sound educational practices."

Such integration also was sought, said Kottmeyer, in the context of the System's adherence to its belief in the concept of neighborhood schools.

Board policies and practices addressed by Kottmeyer and other witnesses during this phase of the trial included:

-- The School System's building and construction program in the City's West End during the 1960's.

-- The system's student transfer policies since 1954.

-- The "in-tact" busing of pupils which took place from the late 1950's to mid 1960's.

-- Policies relating to staff racial balance.

-- Drawing and adjustment of school attendance boundaries.

-- Possible existence of a policy in the 1950's which would not allow placement of an individual student of one race in a school in which all other students were of another race.

Five other witnesses were called during this segment of the trial.

George Mann, former principal of Washington School, gave testimony on the history of racial matters in the St. Louis Public Schools since their inception in the early 19th century. He specifically addressed several situations in the middle and late 1950's relating to racial balance in the schools. Most notably, Mann testified that in 1958 Kottmeyer, then an administrative aide to School Superintendent Phillip Hickey, told him that he would never place a single white child in a school with a black principal and staff. In later testimony Kottmeyer labeled that allegation as "a palpable and pernicious falsehood".

Minnie Liddell, a parent on behalf of whose son the 1972 suit which occasioned the trial had been filed, testified regarding the circumstances which led to the decision by the Concerned Parents of North St. Louis to take the St. Louis School Board to court.

Ernest Jones, Deputy Superintendent of Schools, gave testimony which somewhat paralled that given by Kottmeyer. Jones' testimony covered a wide range of School System policies and practices since the time he had served as Acting Superintendent of Schools. Government and NAACP attorneys elicited testimony from Jones in which he stated that the School System had never bused simply to achieve racial balance. The System had bused primarily to relieve overcrowding, Jones said, and transportation for the reduction of racial isolation was only considered in the context of that primary busing policy. Additionally, Jones stated that the St. Louis Public Schools had no plan for desegregation of the elementary schools in the system at the time of his testimony.

On the sixth day of the trial, the NAACP presented its revised plan for comprehensive desegregation of the school system. Michael Stolee, the plan's author, gave half a day of testimony outlining details of the plan, which would require extensive busing.

Finally, Virginia Brodine, the mother of a student who had attended the St. Louis schools in the late 1950's, gave testimony regarding a specific incident involving her daughter that related to the issue of whether the school system would allow a single student to enroll in a school where all children were of another race. Mrs. Brodine recounted events that surrounded her white daughter's transfer from a regular racially-mixed school to a predominantly white gifted class in another school while a

black classmate and friend from the same home school was transferred to an all-black gifted class in a black school. Mrs. Brodine recalled that at the time, Assistant Superintendent of Instruction Edward Beumer had informed her that, "it was the policy of the School Board not to put one white child in an all-Negro class or one Negro child in an all-white class." She later testified that Kottmeyer, who had earlier stated that he recalled no such Board policy, then allowed the Brodine girl to transfer to the black gifted class in which her parents wanted her enrolled.

The key to the initial two weeks of trial lies, perhaps, in the repeated attempts to define and specify what "desegregation" of the schools entails. After a great deal of discussion, two general views of that process seemed to emerge. The first, perhaps best termed simply, "desegregation", takes the view that school officials were required to end operation of the legally mandated dual school system after 1954, and make all subsequent school-related decisions without regard to race. The second view envisions a more dynamic process, suggesting that what might be termed "integration" requires a school system's affirmative efforts to reduce racial isolation. The interpretation of what has taken place in the St. Louis Public Schools since 1954, and the answer to the question of whether or not the St. Louis schools have been desegregated, seems to differ sharply between persons who espouse these alternative views. School System personnel and one block of plaintiffs appear to agree that the charge to desegregate fell under the former and more legal definition, and it is their contention that the St. Louis System pursued that goal in good faith. The original plaintiffs, the NAACP, and the U.S. Department of Justice appear skeptical of the School System's efforts under the less strigent

definition of desegregation, and seem convinced that the law required compliance with the latter, more affirmative definition.

On Friday, October 28, the desegregation trial recessed until December 5, 1977. The second segment of the trial was scheduled to run until shortly before Christmas. If additional trial time proved to be necessary, it would be scheduled for February of 1978.

The Second Segment of the Desegregation Trial: December 5-20, 1977

Court proceedings in the St. Louis school desegregation case resumed on December 5 and ran through December 20, when a holiday recess was called. Employing the same witness pooling arrangement which was used in the initial segment of the trial, the original plaintiffs (Liddell, et al), the NAACP, and the U.S. Justice Department continued to present their respective cases. During the second segment of the trial, six witnesses were called.

Two of the persons who provided testimony in the December proceedings were expert witnesses for the NAACP who had testified in the initial trial session and were recalled.

Demographer William Lamson returned briefly to provide testimony related primarily to transportation patterns and the racial identifiability of individual schools. Lamson had prepared a map overlay which showed schools which were racially identifiable in the last year of the dual school system (1953-54), and which could be identified by a predominance of the same race (more than 90%) in the 1976-77 school year.

The map also reflected schools which had opened after 1954 and which were racially identifiable by the same black or white predominance in the 1976-77 school year as that which prevailed at the time of their opening. Counsel for several of the parties raised the objection that the exhibit gave the impression that the schools in question had maintained essentially the same racial balance over the entire twenty-three year period, when that was not necessarily the case. The Court asked that the exhibit be redone to show incremental shifts in racial composition during the period in question, and the NAACP agreed to prepare a new exhibit.

The second expert witness for the NAACP was Michael Stolee, author of the NAACP's proposed desegregation plan. Stolee addressed himself to the specifics of the NAACP plan, as well as to the general issues of white flight, tipping point, and contact theory. On cross-examination, an attempt was made to impune the credibility of Stolee's testimony by examining his relationship with the NAACP, the length of time he spent in the preparation of his plan, and the perspective from which the plan was prepared.

The four new witnesses who were called in this segment of the trial were all administrative employees of the St. Louis School System. Each provided testimony which related primarily to policies and practices employed in operation of the St. Louis Public Schools.

Louis Ratz, Associate Superintendent for Administrative Support Services, provided testimony that related primarily to construction and transportation practices in the St. Louis system. Examination of Ratz focused to a great extent on transportation modes and costs.

Julius Dix, Associate Superintendent for Operations, addressed himself to a variety of school policies and practices in the areas of staff racial balance, busing for overcrowding, assessment of surplus space availability, and application for Economic Development Administration funds.

Robert Wentz, current Superintendent of the St. Louis Public Schools, testified regarding recent efforts of the School System to achieve racial balance. Wentz was examined on School System activities under the provisions of the Consent Decree, and on details of the School Board plan submitted to the Court in response to Paragraph 9 of the Decree. An aspect of the Superintendent's testimony which received a great deal of press coverage related to a desegregation "plan" formulated by a high-ranking system administrator after submission of the Board plan to the Court. Stephen Daeschner, the former Director of Evaluation, who has recently left the St. Louis system, was the author of the document which was only in the initial stages of formulation. The document, which was never officially presented to the Board, was based on a system of 7th and 8th grade centers. Daeschner was scheduled to provide testimony during the February segment of the trial.

Clyde Miller, former School Superintendent, and principal of Mann Elementary School at the time of his testimony, was examined on a wide range of policies and practices employed by the St. Louis Public Schools. Miller addressed himself to system operations that related to desegregation, as well as to the racial composition of select schools for specific historical periods. Examination of the historical effects which School Board policies and practices have had on racial balance has been hampered throughout the

trial by the unavailability of racial enrollment date for the period 1954 to 1962. Under a provision of federal law, racial records were not kept during that period in an attempt to remove a data base which could be used in making school-related decisions on a racial basis. The lack of data for this period now makes it difficult to determine in retrospect the racial composition of schools then, and what racial effects school policies may have had.

The second segment of the trial was marked by a somewhat sharper tone in the examination of witnesses and in the exchanges between counsel for the various parties. This segment of the trial also appeared to be marked by some procedural fragmentation produced by mixing the usually separate phases of desegregation proceedings in which constitutional violation is first determined and then, if necessary, a programmatic remedy fashioned.

The trial was to resume for a third major segment on February 6, 1978. There was a strong likelihood that additional time would be needed beyond February to complete the proceedings.

Community Activities in Early 1978 Related to the Desegregation Issue

In January of 1978, the month preceeding the resumption of the third primary segment of the desegregation trial, a number of events took place in the community which seemed to indicate that the St. Louis area's leadership was taking steps toward becoming more actively involved in the desegregation issue.

On January 12 a day-long conference was held under the auspices of the National Conference of Christians and Jews to begin exploration of

what faith groups and the religious community could do to encourage a constructive and peaceful community response to desegregation implementation. The co-chairmen of that consultation were the Reverend Dr. John N. Doggett, Jr. of the Bishop's Area Office of the United Methodist Church, Rabbi Robert P. Jacobs of the St. Louis Rabbinical Association, and Monsignor John Shocklee of the Roman Catholic Archdiocesan Council on Human Rights. The 40 participants in the conference, largely a representative group of the area's religious leaders, recognized a general need to establish an area-wide interfaith group to deal with school desegregation and other social issues which face the community. Specifically in the area of desegregation, several tasks which might appropriately be performed by the religious community were identified. They included:

-- Provision of moral and theological leadership during the desegregation process;

-- Encouragement of communication and exchange of ideas among the area's citizens;

-- Persuasion of influential members of the community to take positive leadership during desegregation;

-- Provision of a vehicle which would encourage a peaceful community response to desegregation and could conciliate disputes which arise.

Also identified was the need to work in conjunction with coalitions in the areas of business, labor, education, law enforcement, and civic and neighborhood affairs so that community efforts related to desegregation would be coordinated.

Another event which indicated initial movement of the community leadership toward taking an active role in the desegregation issue was a

meeting held on January 24. The panel of community leaders which had been formed by John Ervin of the Danforth Foundation moved to form a citizen's committee to help the City deal with any court-ordered desegregation remedies for the St. Louis public schools which might be prescribed.

With the announcement that the original panel (the membership of which was cited earlier in this report) would go out of existence regardless of the outcome of the January 24 meeting, Ervin cited the purpose of forming a citizen's group as "trying to facilitate communication to avoid violent confrontations." Agreement was reached at the citizen's committee meeting to continue to meet under a leadership panel consisting of Ervin, Vice-President of the Danforth Foundation; Armand C. Stalnaker, President of the Regional Commerce and Growth Association; and Charles F. Brown, a retired compliance officer for the U.S. Defense Department.

The Third Segment of the Desegregation Trial - February 6-15, 1978

The court proceedings directed to determination of School System liability and examination of proposed desegregation plans resumed on February 6, 1978 and continued through February 15.

The first witness called in the third segment of the trial was William B. Feild, a desegregation expert retained by the Concerned Parents of North St. Louis in 1973 to do a study of the St. Louis Public Schools. Feild alleged that the St. Louis School System operated on principals which "have effectively blocked progress of desegregation." He further testified he believed that the de jure segregation -- that imposed by law -- which had existed in the St. Louis system prior to the 1954-55 school year had been subsequently perpetuated by the actions of the St. Louis School Board. Feild's testimony centered on findings in his 1974 report which related to these allegations.

An aspect of Feild's testimony which generated considerable controversy focused on a set of School System records known as "School Profiles". A great deal of attention in the court proceedings had centered on the unavailability of racial data for the St. Louis schools in the period 1954-1962. A federal regulation in effect during those years prohibited the collection and maintenance of racial data in the operation of the public schools. That lack of information now makes it difficult ot examine in retrospect the effect which School Board policies and practices may have had on the racial composition of individual schools. Feild testified that in 1973, shortly after he began his study of the St. Louis School System, he came across a set of "School Profile" records which contained information on the racial characteristics of various schools for part of the 1954-1962 period in question. Feild said that he noted the presence of the documents in a school system office and the nature of the information that they contained, but that when he returned to examine them in detail a week or so later he was told the records did not exist. A request from plaintiffs' counsel that the School Board attorneys attempt to find the records in question brought a report that no such records could be located, and that they could not have existed.

David L. Colton, Director of the Washington University Center for Educational Field Studies and author of the desegregation plan submitted by the Concerned Parents of North St. Louis, was the second witness to testify in this phase of the trial. In two days of detailed testimony, Colton explained the Northside Parents' plan, and during cross-examination answered questions regarding the plan and the methods which had been used to devise it.

In explaining his plan (which is outlined in some detail in an earlier portion of this section of the report) Colton stressed that he felt that it was not important to desegregate buildings, but the educational experience of students. All students in the St. Louis system would receive a minimum of three years of integrated education under the Colton plan, with most students being in a racially mixed school setting for six years, and some for nine.

The plan submitted by the Concerned Parents of North St. Louis would entail the transportation of some 14,000 students, and it was Colton's contention that, because a considerable savings would be realized by the system in closing numerous schools under his plan, little additional expenditure would be needed for implementation. The transportation costs incurred under his plan, Colton said, would be offset by savings netted from school closings.

Cross-examination of Colton--particularly that by John Lashly, an attorney for the School Board--focused on the cost of the Colton plan and the timetable for its implementation. Lashly questioned the validity of Colton's transportation cost estimate of $100 per student, implying that the figure was too low. It was also suggested by Lashly that the implementation timetable outlined by Colton was too speedy to be realistic.

In the course of his cross-examination, Colton suggested that there often is reason to look critically at the cost-estimates for desegregation which came from school system officials. Those estimates, he said, often are greatly overstated. Colton cited a transportation cost estimate in the Cleveland desegregation case of $78

million, an estimate which the presiding judge had termed "outrageous". Colton also suggested that there was reason to doubt the St. Louis School Board's $20 million cost estimate for the Northside Parents plan, and perhaps the $1.9 million building conversion estimate offered in the Board's own plan. Those allegations were denied by Lashly, the Board's attorney.

William Lamson, a demographer for the NAACP, testified in this segment of the trial as he had in each of the previous phases of the proceedings, on the relationship between school attendance boundaries and the racial composition of individual schools. Lamson returned to the stand bringing a series of map overlays which were designed to show schools which had remained racially identifiable with a predominance of students of the same race in attendance in the years between 1954 and 1975. The overlays also reflected schools which have opened after 1954 and always have been characterized by a predominance of the same race.

Objections to the admission into evidence of the map overlays came from both John Lashly, the Board's attorney, and Anthony Sestric, counsel for the Concerned Parents for Neighborhood Schools. It was their contention that the exhibits were misleading because they were based solely on 1975 school attendance boundaries. Those boundaries, the two attorney's argued, had changed often during the period in question and those changes (and the racial differences between schools within the same boundaries) were not reflected on the Lamson maps. Judge Meredith reserved ruling on the admissability of the exhibits at the time of Lamson's testimony and then later allowed their admission.

The second week of testimony in the third segment of the trial began with the appearance of Stephen M. Daeschner.

Daeschner, the former Director of Evaluation for the St. Louis Public Schools and now an administrator in the Anchorage, Alaska, school system, testified on a desegregation proposal for the St. Louis Schools he had begun to develop at the request of School Superintendent Robert Wentz. Daeschner's document had been hastily formulated over the course of about seven working days in response to a request from Wentz for a "solid, viable alternative" to the Board's desegregation proposal which had been submitted to the Court in February of 1977.

When the existence of Daeschner's plan had surfaced in the December segment of the trial, it had been labeled in some corners as a "secret plan". During Daeschner's testimony, School Board attorneys argued that it was not a plan at all, but rather "working papers" or a "research project".

The Daeschner desegregation proposal called for the establishment of 16 junior high schools serving 7th and 8th grade pupils, all but one of which would have a student enrollment less than 50 percent black. All of the System's 10 academic high schools would have a majority of black students under the plan. Daeschner's proposal would place every student in the St. Louis System in an integrated setting some time between the 7th and 12th grades.

There appeared to be some similarities between Daeschner's draft plan and plans submitted by some of the plaintiffs in the case who are calling for extensive desegregation of the St. Louis System. Similarities could be found in the number of students who would be transported, some cost estimates, and the call for closing a number of schools in

the system. Attorneys for the original plaintiffs, the NAACP, and the U.S. Justice Department seemed to be seeking to demonstrate that the existence of the apparent similarities between their plans and the Daeschner plan undercut the School Board's dismissal of the plaintiffs' desegregation proposals as impractical and too expensive.

In later testimony under cross-examination, Daeschner criticized the plan submitted by the NAACP as showing insufficient knowledge of the St. Louis School System. Daeschner cited particular inaccuracies related to the capacity of various school facilities.

Daeschner's testimony ended with nearly a full day of procedural debate over whether his files from the St. Louis System should be examined by plaintiffs' counsel, and then whether specific items from those files should be admitted into evidence.

After Daeschner's testimony, and resolution of the procedural questions related to the admissability of various items from his files, the block of plaintiffs which includes the Concerned Parents of North St. Louis, the National Association for the Advancement of Colored People, and U.S. Justice Department, rested presentation of their cases.

The final witness to appear in this segment of the trial opened presentation of the St. Louis School Board's case. Glenn Campbell, an administrative assistant to Deputy Superintendent Ernest Jones, provided testimony related to a space utilization study prepared for the School System in 1976 by Sverdrup and Parcel, a St. Louis-based planning and architectural firm. The findings of the Sverdrup and Parcel study, which had been introduced earlier in the hearings, cited a 30 percent surplus of elementary classroom space in the St. Louis School System. Counsel

for several of the plaintiffs regarded the study as being supportive of their call for extensive school closings, and questioned why the School System had not responded to the recommendations of what appeared to be a highly significant management report. The School System indicated that a statistical error had been found in the report which greatly reduced the surplus space estimates, and thereby, invalidated many of the study's recommendations.

Campbell addressed a wide range of issues related to the capacity of the schools and the calculations in the Sverdrup and Parcel report. Cross-examination focused on whether there had in fact been a statistical error in the space utilization report, or whether school system personnel had not simply misinterpreted the report's findings.

The hearings recessed on February 15th, to resume for several weeks on March 13th. It appeared that additional trial time would be needed beyond the March segment of the proceedings.

II.

AN ANALYSIS OF THE SCHOOL DESEGREGATION PROCESS IN ST. LOUIS: SOME POLICY CONSIDERATIONS

Perhaps the most notable feature of the current St. Louis school desegregation case is, that six years after the original desegregation suit was filed, resolution of the issue, which has been long in coming, still does not appear near at hand.

In December of 1975 when Judge Meredith signed the consent judgement, it appeared that after nearly three years a concrete timetable for reduction of racial isolation in the St. Louis Public Schools had been established. The first part of the Court's plan proceeded according to schedule, with initiation of the staff balance program and establishment of the magnet schools, but, as the date which had been set for implementation of the primary component of the desegregation plan approached, that timetable broke down.

The previous section of this report implies at least two reasons for the delays and disruptions in resolution of the case -- failure of the parties to reach agreement under the Consent Decree and alteration of the legal nature of the case. Of concern in this section of the report are the social policy considerations which emerge in resolving the desegregation issue. Particular emphasis is placed on the need to make accommodation for each of these considerations, and to handle the desegregation issue forthrightly and without undue delay. It is only in adopting such an approach to the current siutation that St. Louis can

realistically expect to avoid the sometimes serious difficulties which can be encountered in the desegregation process.

Problems Created by Protraction of the Desegregation Process

There are many problems created by protracted resolution of the desegregation issue, including an increase in the level of community anxiety and the immense expenditure of community energies and resources that are consumed by the process.

One of the most tangible and measurable of these problems is the tremendous cost of the on-going litigation. While it is difficult to obtain a precise accounting of the legal costs in the St. Louis case to date, informed estimates place the figure near $2 million. Even that sum includes only direct legal costs and does not measure judicial and court costs.

In addition to the enormous expenditure of dollars is the somewhat ironic position of the taxpayers in the City of St. Louis who find themselves represented in both major camps in the litigation -- and by a total of four separate parties. In this context, the two major parents groups in the case -- one of them the original plaintiffs -- are engaged in a desperate struggle to meet the legal fees which are necessary to stay involved in the litigation.

Problems of resource allocation extend beyond fiscal considerations. The drain on the time and energies of the St. Louis Public School System has been immense. Countless hours of administrative, board, and staff time have been devoted to providirg information, drafting plans and conferring with counsel on matters related to the desegregation issue. In a context in which there is only a limited amount of time and energy available,

that investment quickly results in a reduction in the amount of effort which can be devoted to school operations. Given such a situation, it is reasonable to expect that a reduction in the quality of education will eventually emerge as an unavoidable cost of a protracted desegregation process.

Beyond the effect which drawn-out desegregation litigation has on the pocketbook and in the classroom, is the question of its impact on the general community. Indications are that here, too, the costs are considerable.

On the broadest level, there is a relatively fixed store of community resources for dealing with far-reaching social issues. When one of those issues remains unresolved over an extended period of time — particularly if it consumes large shares of the time and effort of the community's citizens and leadership -- other problems go untreated and unsolved.

More specifically, most communities find going through the school desegregation process to be a difficult and trying experience. The issues at stake, and the fears and anxieties which are brought into play, are often long-standing and deep-seated. When the desegregation process becomes extended, and the actors with the most at stake can see no end in sight, anxieties become heightened and fears exacerbated.

Also to be considered are those social problems which are often believed to attend school desegregation. If there is any validity to the contentions that white flight, erosion of tax base, emergence of segregated academies and other negative social

phenomena accompany school desegregation, it seems reasonable to assume that those problems are just as likely to occur if a community fails to resolve the issue and simply stands faced with the prospect of school desegregation for an extended period of time.

A final concern of central significance relates to the denial of constitutional rights to minority children in the school system. If, as alleged in the original suit, minority pupils have been denied equal protection of the law and have become the victims of discriminatory racial practices, that situation continues without remedy as long as the desegregation issue remains unresolved. This factor adds yet another compelling reason to seek swift resolution of the issue.

The Quality of the Desegregation Plan

In addition to the desirability of resolving the desegregation issue with some deliberate speed, is the question of the quality of the desegregation plan which emerges if the Court determines the need for remedy. For any desegregation plan to be effective, it must satisfy three separate operational requirements -- constitutional compliance, political viability, and provision of educational quality.

The need for the desegregation plan to satisfy constitutional requirement is absolute. Whatever the resolution of the St. Louis case, with eight litigants with the right to appeal to higher courts there can be little question that the outcome will be in compliance with the prevailing judicial view of constitutional requirement.

The second measure, that of political viability, is one on which the review process will be less formal, but no less absolute. Experience in other cities has shown that in instances in which significant segments of the population regard the desegregation plan as unfair, unwarranted, or otherwise undesirable, it often is not difficult to disrupt or escape the desegregation effort. Disruption may entail active opposition in the community and the schools, or a more passive resistance manifested by exercising one of the numerous options for removing children from the desegregating school system.

The third criterion for measurement of the success of a desegregation plan is its educational quality. While the effects of a plan's failure to satisfy this requirement are less immediately measurable, in the long run they are no less profound. If, in seeking to achieve racial balance, a vehicle is chosen which is educationally unsound, eventually all of the children in the school system, black and white, will become victims of the desegregation process. Such a plan may satisfy some legal concept of equity, but it will not serve critical social and educational needs. Equal access to a poor educational system does little to benefit anyone. What is needed is equal access to a system which offers quality education.

The School Desegregation Process in St. Louis: Current Status and Avenues for Seeking Desirable Outcomes

In viewing the current school desegregation process in the City of St. Louis in light of the legal, political, and educational

policy considerations outlined above, there is considerable justification for concern.

Many of the problems which result from protraction of the desegregation process have already begun to be manifested, and, if efforts to resolve the case are confined to the current mode of litigative treatment, resolution may be years away. While one of the initial advantages of seeking remedy through legal avenues was the possibility of achieving quick settlement, that possibility has long since faded. Changes in the legal complexion of the case, which have broadened the constitutional issues before the court and increased many-fold the number of parties with recourse to appeal, have created a legal mire which will be difficult and time-consuming to traverse. Unless efforts are made to broaden the current legal strategies for seeking resolution, St. Louisans can expect to be living with an unresolved desegregation case for many years into the foreseeable future.

Beyond the question of the time required for settlement is the issue of the quality of the plan which will eventually emerge if the Court determines constitutional violation.

Of the three components essential to the formulation of a successful desegregation plan, constitutional compliance is the only one which the current process of resolution being pursued in St. Louis promises to meet adequately. The questions of whether constitutional violation has occurred, and whether a given plan meets constitutional requirements for remedy, are legal ones. The courts

are the only appropriate forum for resolution of those questions, and they are fully adequate to that task. To be sure, the process of determining legal compliance may be a lengthy one. The constitutional issues in question are complex and are in a constant state of clarification and redefinition. In St. Louis, as in other cities, however, the legal machinery will not rest until a settlement is achieved which is in line with the prevailing interpretation of constitutional standards.

In examining the current method of resolution of the desegregation issue which is being employed in St. Louis in terms of meeting the other requirements essential to success -- political viability and educational quality -- there is far less cause for optimism. These matters are not primarily legal issues, and they are questions which courts traditionally have been neither equipped nor eager to address.

In recent years, the courts have acquired the responsibility for fashioning desegregation plans through a process of default. There have been no other available social institutions, and no viable models for processes of policy formulation, to employ in devising good faith, workable desegregation schemes. When courts have found constitutional violation in school desegregation cases and determined the need for remedy, they have found themselves, often unhappily, left with the task of formulating the remedy. While any desegregation plan which is devised certainly should withstand a process of judicial review to assure that it meets constitutional requirement, there is little doubt that the courts do not have the

time, training, or expertise to undertake plan formulation. Frequently desegregation plans which emerge reflect the inappropriateness of burdening the court with this role.

The original approach taken in the St. Louis case, that of pursuing resolution of the desegregation issue through the Consent Decree, offered some unique and significant benefits. In addition to attempting to "save the time, burden and expense" of future legal proceedings, the decree broadened the process of plan formulation. By expanding that process to include educators and groups in the community with an interest in the plan which emerged, Judge Meredith's court established a mechanism for addressing political and educational issues within the legal parameters set by the Court.

Failure of the parties to reach agreement under the Consent Decree surely is a result of the disparate views which they bring to the question, but it may also be traceable to the absence of a mechanism in the Decree for structuring and facilitating discussion among the parties. The fact that the parties could not reach consensus on a plan under the Consent Decree does not mean that given the proper direction, assistance, and incentives they could not work constructively together toward formulation of a desegregation plan. If such an effort to develop a jointly negotiated, broadly acceptable plan were successful, it could reduce by years the time required to resolve the desegregation question, and it could improve the quality of the desegregation plan immeasurably. If all the parties are adequately represented in the plan-formulation process, lengthy legal appeals are less likely.

The need for formulation and implementation of a desegregation plan is, as stated earlier, dependent on the Court's finding of constitutional violation and the need for remedy. The suggestions and recommendations which follow are offered for the value they may have in assisting the Court, the schools, and the community in meeting the need if it arises.

In the view of this paper, the swiftest, fairest, and most acceptable resolution of the issues related to school desegregation which face St. Louis can be brought about through a court-ordered and court-supervised mediation process which would involve the litigants in a process of plan formulation. Such a process would be set in motion only following a Court finding of constitutional violation and judicial determination of a need for remedy.

Section III of this report offers a proposed strategy for involving the parties, under Court supervision and strict time limits, in a joint process to develop a viable, acceptable plan.

III.

A PROPOSED STRATEGY FOR FORMULATION OF A SCHOOL DESEGREGATION PLAN

Goals for Formulating Policy on Controversial Community Issues

The current situation regarding desegregation of the public schools in St. Louis represents social conflict of a kind that has become typical in the United States:

-- There are a number of parties (not just two).

-- Many questions are at issue.

-- Race is a major concern.

-- There are no easy solutions, and the process of seeking solutions becomes extended, costly, and draining to the parties involved.

-- The role of the law and the courts is extensive, but a legal ruling per se is unlikely to satisfy all of the needs of the various interest groups in a way that will fully "solve" the significant problems at issue.

In such situations, the need is for the development of clear, equitable, and workable social policies that address the most important needs of all the parties in the controversy in a cost-effective way. Specifically the outcomes must meet the following criteria if the parties and social institutions are to effectively "solve" the problems and develop ongoing, stable relationships:

-- Insofar as possible, the outcome is determined by all the parties through a joint process, satisfactory to all of them.

-- The policies or solutions produced have self-enforcing mechanisms built in.

-- All the parties "win" something or meet at least part of their expressed needs in the dispute.

-- The outcome or settlement is capable of outside review and verification.

-- The outcome is politically viable -- that is, all of the parties, their immediate constituencies and the wider community can accept the outcome, and the solutions achieved generally are rapidly formalized in institutions, practices, and procedures.

To achieve outcomes with these characteristics -- none of which, it must be emphasized, would presuppose any <u>particular</u> "desegregation plan" in the case of the St. Louis school desegregation issue -- requires the use of a systematic planning process. A successful planning process possesses at least the following characteristics:

-- All of the parties with a significant stake in the outcome must be represented fully in the planning process.

-- The planning group thus formed must have access to accurate, timely information pertinent to the issues at hand.

-- There must be strong leadership of the process, skilled in analysis and mediation, and with strong support of the parties.

-- Such a planning process requires staff support and technical assistance, for the time involved is heavy and the technical knowledge required often is beyond the command of any one party or parties.

-- The group must have clear and quick access to resources on which they may have to draw to construct and implement solutions (resources such as funding, technical competence, and leadership of the business and corporate community).

-- The process should contain enforceable deadlines for the work of the planning group.

-- There should be mechanisms to ensure the accountability of the representatives in the planning process to their immediate constituencies.

If community controversies -- such as the St. Louis school desegregation case -- are resolved through a process with these goals and characteristics, there are numerous benefits to the immediate parties and wider community. Most significant is the educational value of the process to the parties and their constituencies, both in the technical skills gained and/or utilized (fact-finding, analysis, setting priorities, negotiating, compromising, planning, etc.) and in the political realism engendered when the parties with most at stake experience and see the process whereby the policy is made. When policies are "handed down", the groups involved cannot be adequately prepared for effective and responsive implementation of the plan. Only through this kind of participatory process can the

parties who will have to "live with" any plan (in a much more real sense than, say, a court or a government agency) gain ownership of and commitment to the procedures necessary to implement it.

The Legal Setting for Formulating a School Desegregation Plan in St. Louis

The chronology of the St. Louis school desegregation case and the legal questions discussed in Section I of this report make it clear that there are two types of actions that must preceed formulation of any court ordered school desegregation plan -- a determination of constitutional violation and a court finding of the need to fashion a remedy to correct that violation.

The determination of constitutional violation and need for remedy in the St. Louis case, or in any other trial proceedings, is the sole responsibility of the Court; there are no options.

If these determinations are made, the Court will turn its attention to the question of formulation of a remedy -- and here there are many options, as indicated in the previous section of this report. There is no legal requirement that the Judge construct the remedy. At the same time, there is growing evidence that court-constructed school desegregation plans are facing massive problems in gaining community acceptance and achieving full implementation.

In short, the Judge may choose to delegate his powers for development of a remedy, while retaining the responsibility to ensure that any remedy so developed falls within acceptable legal guidelines.

It is the belief of the authors of this paper, who have been students of the St. Louis school desegregation case for some time,

that the best way to construct a remedy, should violation be found, is for the parties with standing to jointly develop a plan that is mutually acceptable to them and within legal guidelines to be stipulated in advance by the Court. Thus the parties with the most at stake retain a degree of control of some of the most important decisions that will affect their lives, and the Court endorses a remedy that has better chances of long-term viability than one developed elsewhere and handed down to the parties who will have to live with it.

Unlike the situation in many conflicts which result in court action, the major parties involved here are not strangers contesting for a one-time award by the court. Rather they are members of the same community with common interests in the education of their children, who will have to live cooperatively with one another and with the school system which is entrusted with their children's education. Accordingly, in this type of situation, the cooperative, win/win problem-solving approach of joint negotiations is a more appropriate process for actually developing a solution than the win/lose adversarial approach that characterize court action.

Any plan unilaterally imposed by the Court is likely to be in appeal for years. On the other hand, a plan that is jointly-developed by all the parties builds in strong pressures against appeal because its provisions have been agreed to in advance by the potential sources of appeal.

Finally, and most importantly, there is evidence, cited in Section II and elsewhere in this paper, that representatives of the parties with most at stake in this case -- the parents groups and the School System -- are interested in exploring this type of procedure for developing a plan.

A Proposed Procedure for Developing a Desegregation Plan for the St. Louis Public Schools

Drawing on the principles described in the first part of this section and on the analysis of the legal setting in the second part, the following set of procedures for developing a school desegregation plan for the City of St. Louis is recommended. It should be stressed that neither this section nor the full document of which it is a part is advocating for any particular plan or for the substantive position of any of the many parties with standing. Rather the advocacy of this paper is for a particular process of arriving at a plan -- one that operates within the guidelines and supervision of the Court and enables all of the parties with standing to jointly develop a plan that is acceptable to all of them and to the Court through a process of negotiation and, perhaps, mediation.

The sequence described below is proposed as a way of proceeding in the event that Judge Meredith finds constitutional violation of the rights of black children by the policies and practices of the St. Louis Public Schools.*

*It should be noted that, even in the event that the ruling anticipated from the current hearings does not find violation, having the parties engage in a joint negotiations and planning process at this time would help them explore common ground and potential solutions in the face of potential appeal or other challenges.

Phase I. The Court Issues a Planning Order

In an order to the parties following finding of violation, the Court would address the following areas:

1. The parties are instructed to work together to develop a plan for the desegregation of the St. Louis Public Schools that is jointly acceptable to them, to be presented to the Court within 30 working days after the planning procedure begins.

2. The Court issues a set of guidelines delimiting the legal parameters within which an acceptable plan must be framed.

3. A set of guidelines for the deliberations is issued, to include the following:

a. The planning process shall be conducted under the guidance of a master or mediator to be appointed by the Court. The master's or mediator's team shall include an observer who can serve as the official recorder of the decisions made by the parties in the course of their deliberations, for use by the parties and transmittal to the Judge.

b. Each of the parties with standing shall select one person to represent its interests in the planning procedure, through whatever process it deems appropriate.*

*It is recognized that there is great variation in the internal structure of the parties (parents groups, a school system, a private organization, governmental units, etc.), and that the process of determining representation in the planning process will vary considerably, including the possibility that some parties will choose to simply observe and respond to the negotiations of the parties actually developing the plan.

c. Each party shall be permitted to select two technical advisors to observe the planning process and to be available for counsel. It is expected that the advisors would include legal counsel and a school desegregation specialist.

d. The proceedings shall be conducted in confidence, with public statements to be issued only through the Judge's appointed master or mediator.

e. Progress reports shall be made to the Court on a weekly basis by the master or mediator and, where appropriate, representatives of the parties.

f. The representatives shall be instructed to begin their substantive deliberations by examining the plans for desegregation that have been proposed by the parties to the Court, to determine areas of agreement on which they may proceed.

g. The representatives are instructed to develop a set of guidelines for implementation of the plan containing a strong emphasis on deadlines, mechanisms for enforcement, and community involvement.

Phase II. The Parties Select Their Representatives.

The parties shall select their representatives and technical advisors within seven days after the issuance of the order, and report the selection in writing to the Court.

Phase III. The Planning Process -- 30 Days

1. The Judge and his master or mediator convene the representatives for their first meeting. The content of the first meeting shall include:

a. A description and discussion of the legal parameters for the planning process.

b. Deadlines for progress reports and the final plan to be submitted to the Court are enunciated.

c. The master/mediator outlines possible ways of proceeding with the planning process, including a description of the resources available for assistance with the mediation and planning process -- private and public sector, local and national.

2. With the guidance of the master/mediator, the parties decide how they wish to proceed, develop a time-table, and determine what additional mediation resources, if any, they wish to use.

3. The planning process proceeds, in accordance with the Court's guidelines as described above and with full-time involvement of the representatives for the period mandated by the court.

4. While the plan is under construction, the Court shall authorize a broadly-based citizens group to assist in disseminating such information as the Court deems appropriate to interested groups of citizens throughout the City.

Phase IV. The Plan is Submitted to the Court

1. The plan is submitted to the Court within 30 days after deliberations begin.

2. The Court reviews the plan for legal acceptability, discusses it with the parties and, if necessary, instructs them to engage in further planning activities designed to bring the plan in full compliance with constitutional requirement, with the additional process not to exceed seven days in length.

Phase V. The Court Supervises Implementation

1. The Judge, the master/mediator, and the parties publicly present the plan and guidelines for implementation.

2. Implementation begins, under the supervision of the Court.

3. Implementation is monitored by a Court-sanctioned Monitoring Commission including but not limited to representatives of the parties to the legal proceedings.

4. The Court and the parties enlist the assistance of a broad-based citizens coalition -- ideally the group described in Section 4 of Phase III above -- for the purpose of citizen education and stimulating involvement in implementation.

5. The Court's jurisdiction over the case and supervision of the implementation procedures should continue for a minimum of three years and until any formal appeals that may arise have been adjudicated.

* * *

In summary, it is proposed that the Court call upon the wide array of resources available in St. Louis to develop and assist in implementing a desegregation plan for the St. Louis public schools -- notably the major parties to the case and a broadly-based organization of parental, corporate, government, religious, and labor leaders. Strict Court supervision is proposed as essential to the success of the process if the school desegregation issue is to be resolved in a way that is long-lasting and seen as fair by all concerned.

IV.

COMMUNITY STRATEGIES FOR IMPLEMENTING SCHOOL DESEGREGATION

During those phases of the school desegregation process in which the primary focus is on determination of constitutional violation or formulation of a desegregation plan, major activities are confined largely to deliberative legal and planning functions. Resolution of the legal questions at hand and formulation of desegregation plans do not directly involve most persons in the community or activities in the schools. It is in the implementation phase that desegregation moves from a theoretical level to have an actual impact on school operations, and it is at this stage that the determination is made whether school desegregation remains an unfulfilled prescription or becomes a reality.

The implementation of any school desegregation plan has two primary thrusts. One component of the implementation effort is primarily logistical and relates to those operational changes which a school system must make to implement a desegregation plan. On this level of implementation, focus is on construction of physical facilities, transportation plans, changes in instructional materials, staff placement and other related activities. While such changes may be far-reaching and detailed, they are to a large extent technical and with the application of sufficient funding and expertise can be accomplished with reasonable speed and efficiency.

The other primary component of any implementation strategy is the process of winning community support through the active involvement of parents, other concerned citizens, and students in developing, implementing and

amending policies emerging from the desegregation process. While such a campaign should address itself in part to the ideal of achieving affirmative cooperation, it is essential that, as a minimum, all members of the community come to understand the necessity of responding to desegregation plans in a peaceful and orderly fashion. In this realm the problems are more complex, the dynamics of the process less predictable, and steps toward solution harder to achieve than at earlier stages.

Because of the importance and difficulty of achieving broad community cooperation at this stage, an attempt is made in the following pages to identify the major components of the implementation phase of the school desegregation process. This section does not, however, offer as tightly drawn a formula for plan implementation as the model for plan formulation in Section III, for the community political process involved is not subject to rigid prescription or control.

In the months preceeding the issuance of this report, a number of groups in St. Louis have begun steps toward development of the broad community coalitions so critical to successful implementation. These groups are urged to incorporate the recommendations for successful implementation offered here, but no attempt is made to suggest specific tasks or to define relationships which should exist among the groups.

It should be stressed that the implementation strategies which are recommended in this section of the report presume the existence of a quality desegregation plan. When a plan has been formulated through a process in which the interests of all groups in the community have been

legitimately represented, and when that plan meets required legal and educational standards, then the focus of the community should shift to achieving effective and orderly implementation.

Basic Tenets of Successful Community Involvement in School Desegregation

To a great extent each community that goes through the school desegregation process is unique. The historical and social setting in which the desegregation effort takes place -- and the specifics of the plan which is offered in remedy -- are peculiar to a particular time, place, and set of actors. There are, therefore, no pat formulas to be employed in shaping a community's involvement in the implementation process.

On the other hand, examination of the way in which the implementation of school desegregation has been handled in various communities does suggest that there are characteristics of community involvement which distinguish those cities in which implementation has been successful from those in which it has been unsuccessful.

Risking oversimplification, there seem to be three primary elements which have been present wherever communities have been actively and constructively involved in implementation of the desegregation plan. Those communities have been characterized by:

A. Early establishment of a broadly-based leadership coalition which has stressed the importance of taking positive action in behalf of peaceful school desegregation.

B. Establishment of an effective set of mechanisms which can provide impartial factual information to the community quickly and accurately. These mechanisms must be able to provide a fair and comprehensive view of the desegregation process, alleviate fears

and arxiety by providing answers to specific questions, and deal factually with rumors and misinformation which may emerge.

C. Establishment of an effective set of mechanisms for coping with the particular problems which arise during the desegregation process. Of greatest importance are training and orientation programs which prepare people to deal with new and unfamiliar situations, and mechanisms for resolving conflicts in the schools and the community. While it may not always be possible to avoid conflict, strategies can be developed and people prepared to approach resolution of issues so that positive educational changes can emerge from initial disagreement.

A. Establishing Leadership for Peaceful and Effective School Desegregation

In political terms the emergence of the school desegregation issue in most communities creates a temporary power vacuum. Desegregation of the community's schools is not usually a matter about which there has been long-term, broadly-based civic activity. As a result, the various power relationships and institutional supports that typically come into play in resolving such public issues often are not fully formed when questions relating to school desegregation first arise.

When school desegregation does gain prominence on the community's agenda of concerns, frequently as the result of some legal action, it often appears to have done so spontaneously. In many instances a group with a history of involvement in issues related to school operations and discriminatory social practices -- most typically a group of minority parents with children in the public schools, as in St. Louis -- brings

suit against the school system. For a time that group will stand atop the issue by the simple act of having seized the initiative and sought redress from the Court. School desegregation usually begins as a process in which the eventual cast of actors is not well-defined and for which the usual supportive networks of technical assistance and fund allocation are poorly developed.

While many things regarding the school desegregation process are unpredictable, there is at least one certainty -- that eventually there will be a scramble to fill the power void that has been created in bringing desegregation of the community's schools to issue.

Movement to fill the political vacuum created around the group which brought the initial court action will usually emanate from two primary sources. The first response is likely to come from those groups in the community which view desegregation of the schools as inimical to their interests and those of their children. At a somewhat later stage, there is likely to be an effort on the part of the community's traditional corporate and civic leadership to gain control of the process. In contrast to the specific and personal motivation of the two groups which first become involved in the issue, the reasons for involvement of the corporate and civic leaders (most of whom neither live in the jurisdiction in question nor have children in its schools) are more general. Their involvement usually is based in a broad sense of community responsibility and a tradition of moving to control the policy formulation process on questions which will affect the general community.

Successful resolution of the legal issues involved in school desegregation, and formulation of an effective plan for remedy if the Court

finds that need, have been discussed in earlier sections of this report. In settlement of the substantive legal and educational questions which relate to the desegregation of the schools, all groups with a stake in the issue must be fairly represented in the process so that the needs of each is articulated and can be addressed.

In those cases in which violation is found and an educationally sound remedy devised, the process moves to a stage in which primary focus is on implementation of the Court's plan. Again in this phase of desegregation, it is essential that the cast of actors involved in the process be representative of all interests in the community, and that their orientation be toward compliance with the law and peaceful and orderly implementation of the court-ordered plan. If school desegregation is to be successful at this stage -- if it is to proceed without generating a negative impact on the community -- control of the implementation process must fall to a representative group of citizens with a strong investment in the welfare of the community and the education and safety of its children. Constructive citizen involvement will not, however, come by default; positive actions are required among a wide range of parental, neighborhood and community-wide leaders.

In the past month-and-a-half there has been some movement in St. Louis toward establishment of leadership coalitions to assist in the desegregation process. The National Conference of Christians and Jews has taken some steps which could result in the formation of a religious coalition, and the Danforth Foundation has initiated two efforts which could lay the groundwork for a community-wide coalition. It is suggested here that the following considerations should play a role in shaping the

organizational structure and behavior of these or other coalitions which are formed.

In reviewing the activities in other cities, one learns that one of the most important considerations in establishing a positive and effective leadership coalition is the stance which that group adopts in the desegregation process. It is essential that the coalition not become embroiled in debating legal issues, or become an advocate for any particular desegregation plan. Determination of school system liability in a given desegregation case, and approval of a plan to be imposed in remedy if violation is found, are judicial functions. They are not matters in which the coalition should become involved.

What members of the coalition should advocate at the early stages is a process of plan formulation which will result in the development of an equitable and educationally sound plan which meets constitutional requirement. After such a plan has been devised, the focus of the leadership coalition's efforts should be on the orderly and equitable implementation of that plan. To that end, members of the coalition should become advocates for public education, respect for the law, and concern for the welfare of the community and the safety of its children.

The second essential feature of any community coalition which wishes to affirmatively and effectively address issues related to implementation is that it be broadly based. The term leadership coalition must not be construed to imply only a collection of the established community-wide leaders. The coalition must instead bring together representatives of all groups in the community which will be affected by school desegregation and who need to have a role in determining its outcome. That group then can provide the leadership which is necessary to see the community through the implementation process

Established community leaders should, of course, be included in the coalition, and the political dynamics of any major American city will insure that they are. It is critical, however, that a concerted effort be made to include adequate representation from those groups who are often overlooked or pushed aside in the community's decision-making process. Racial minorities and representatives of groups which are likely to be opposed to desegregation are included in this category. Finally, it is essential that the citizens coalition contain a strong and representative group of parents, for it is the parents and their children who are the ultimate consumers of the educational system's services.

While there are a variety of ways in which a leadership coalition might be organized, whatever structure is employed must maximize the impact of the community's human resources. The coalition's structure should serve to facilitate its ability to perform three vital functions: problem recognition and definition, resource identification, and application of problem-solving techniques.

An organizational arrangement which has been used in other communities, and which gives indications of being workable in St. Louis is to form a series of coalitions with geographical as well as functional bases within the community. Under such a scheme, coalitions might be formed in such functional areas as business, religion, labor, education, politics, and volunteer groups, as well as in geographically-based parents' groups. Representatives from those groups then would form a central coordinating body. Such an arrangement allows individual coalitions to develop a task focus and make best use of their individual skills and expertise, while simultaneously allowing for cooperation and coordination between the groups.

Other important considerations in establishing a community leadership coalition include:

1) The desirability of having the leadership coalition issue a public statement early in the implementation process supporting orderly and peaceful behavior. Such a statement provides a rallying point for the majority of citizens who will approach implementation in this manner, and it reaffirms the community's committment to compliance with the law.
2) The need to avoid in-fighting among the groups represented in the coaltition over who shall control the process.
3) The need to establish a strong community ethic which encourages politicians and political groups not to exploit the desegregation issue.
4) The need, where there is a strong system of private and parochail schools such as in St. Louis, to see that the leadership of those schools does not allow them to become havens for persons fleeing the public school system.
5) The need to encourage business, labor, religious, parental, educational and other civic groups to make resources available and use their influence to pursuade their members and employees to take positive action.

B. Provision of Information to the Community

Another distinguishing characteristic of those communities in which school desegregation has gone smoothly is that they have established mechanisms through which factual information related to the school desegregation process could be conveyed to the community.

The community has informational needs on two distinct levels. It is important, on one hand, that citizens have a broad picture

of the issues and dynamics which are germane to the process of school desegregation. On this level there is a need to provide community residents with information on the general workings of the school system, the legal dynamics of the desegregation process, the social and educational questions which are at issue, and the roles which the community members can play in school desegregation. The Citizens Education Task Force has already undertaken activities in this area with its community forums, speakers bureau, television productions, and newsletter. It is essential that an on-going effort be made to offer a comprehensive and impartial view of school desegregation which presents all pertinent information from a balanced perspective.

In addition to offering this broader view of school desegregation, mechanisms must be established which can provide quick and accurate answers to specific questions. Many of the actors in the desegregation process -- particularly parents with children in the public school system -- will have little interest in school desegregation as a general policy issue. Their interest and orientation will be specific and intense, focusing on the question of what will happen to their individual children. If the fears of these persons are to be allayed and anxiety levels reduced, they will have to be given direct and honest responses to their questions. In those instances in which the specific information they desire is not immediately available, they must be informed when the information will be forthcoming and the process through which it will emerge.

Finally there is a need for an informational mechanism which can stop rumors and correct misinformation which gains currency. When

persons are operating under stressful circumstances, misinformation has a way of emerging and taking hold of emotions, triggering precipitous responses to a wide array of situations. Rumors threaten constructive problem-solving, and must be checked the moment they begin to arise.

In the area of information dissemination, the formulas for keeping the public informed during the desegregation process are fairly precise. While there is a need to tailor the specific nature and use of each of the following components to the needs of the individual community, the strategic value of each has been proven in desegregating school districts.

1) The local media must be encouraged and equipped to provide comprehensive and balanced coverage of the desegregation process. In many communities members of the leadership coalitions have met with representatives of the media -- including management and editorial staff, as well as the working press -- to discuss the importance of this media role. Technical assistance is available through the federal Community Relations Service and other agencies to prepare the media for the issues which will arise in covering school desegregation. Above all, it is necessary that the media be impressed with the need for balanced, impartial coverage and the necessity of avoiding exploitation of the desegregation issue.

2) The school system must be candid and forthcoming with information related to the desegregation process. In many communities there is considerable feeling that the school system does not really want to keep citizens fully informed. It is particularly important for that suspicion to be discussed openly and laid to rest in the

sometimes emotionally charged environment created by desegregation. Proper training of the school system's public information staff can go a long way toward achievement of that goal.

3) An independent body, preferably a broadly based citizens or community group, should be delegated responsibility for facilitating information dissemination. The more representative this group is, the greater will be its credibility, and it should be able to overcome much of the wariness that greets information which comes directly from the parties in the case.

A wide array of techniques for disseminating information are available to such a group, including:

a) Establishment of informational telephone hot lines and rumor control centers.

b) Publication of newsletters and fact sheets.

c) Establishment of a speakers bureau.

d) Sponsorship of informational forums.

e) Production or sponsorship of radio and television programs.

C. Mechanisms and Programs to Facilitate Implementation

The final component of a sucessful strategy for peaceful and orderly implementation of a school desegregation plan is the establishment of mechanisms and programs which will equip actors in the desegregation process to deal rationally and effectively with problems which arise and new situations which they encounter. Much of the fear and anxiety which accompany school desegregation can be overcome if persons involved in the process know what to expect in given situations and have been prepared to deal with them. Similarly the

establishment of effective, fair and well-understood procedures and mechanisms for resolving conflicts which are likely to arise can prevent or defuse most crisis situations.

Again, while the limitations of space do not permit detailed discussion, it is essential to note some of the primary needs in this area.

1. Training Programs

As noted earlier, many of the actors in the desegregation process will find themselves faced with new situations and unfamiliar problems. Proper preparation and training can remove the anxiety of not knowing what to expect, and instill the confidence and security that stems from knowledge and the ability to deal with a given situation.

In large part the responsibility for training is that of the school system, although other groups may want to supplement the school system's efforts, particularly in the task of training persons in the community. In most cities, certainly in St. Louis, there are a multitude of technical assistance agencies and training resources that the school system can tap in its training efforts.

A sound training program should have a dual focus. Part of the thrust should be attitudinally oriented and directed to the provision of human relations skills. But an equally important, and often overlooked, component of the training must focus on concrete problem-solving techniques that can be used to resolve specific problems which arise in desegregating schools.

Probably the best rule of thumb to use in deciding what persons or groups should be involved in training or other preparation is

"the more the better." There are, however, a number of groups that must be included. Certainly all persons who are directly involved with public school operations -- administrators, teachers, staff, students and parents -- should go through a training program which equips them to deal with the process of desegregation. Parental involvement is especially important, and often there are numerous benefits to involving parents, particularly those whose children may be in new schools, in orientation and preparation programs. Such programs for parents have usually taken the form of orientation and exchange activities to familiarize parents with the neighborhood, staff, and facilities at the new school. While these programs have proven beneficial, even greater parental involvement can be achieved. Parents should also be used as consultants in training programs and formulation of problem-solving techniques. Such input from parents can be of enormous benefit in helping administrators and teachers identify many types of problems which will arise during the school desegregation process and possible avenues for addressing them.

2. Disciplinary and Grievance Procedures

No school desegregation process will be without its problems, and in even the most successful systems there are many grievances and complaints. An area that has proven particularly troublesome in desegregating school systems relates to student activities and student discipline. Students, who are extremely sensitive to the treatment they receive in any school (and particularly a new one), and parents, who have a tremendous concern for the welfare of their children, will be keenly attuned to what happens to the students in a desegregating

school. This atmosphere of watchfulness and tension creates an environment that is ripe for the generation of conflict. The only way to avoid the emergence of "incidents" is to see that problems or inequities which occur are resolved quickly and fairly. Additionally, there is a need for a process that allows rumors and exaggerations to be immediately identified as such through a process that enables all parties to recognize that those claims are overstated or baseless.

The two devices which best serve these ends are the establishment of equitable and well-publicized policies regarding student conduct and discipline, and the development of grievance procedures for resolution of disputes which arise related to school operations.

In any area of student behavior where disputes are likely to arise over what is, or is not, appropriate conduct, and what constitutes fair and reasonable discipline, written policies and procedures are indispensible. If all parties are aware of what is expected, and understand the sanctions which will be imposed for not complying with those expectations, the likelihood of disputes arising over what behavior is acceptable and what disciplinary measures are appropriate is greatly reduced. It is, of course, incumbent on administrators and teachers to make every effort to see that those policies and procedures are implemented objectively.

In those instances in which disputes do occur and grievances arise, there is a need to have a mechanism to resolve them quickly and equitably. Established procedures for the resolution of

grievances which extend representation to all involved parties, are regarded as fair, and are understood by everyone are a necessity. Provision of an effective, equitable, and widely recognized device for resolving disputes and grievances within the school system reduces the chances that problems will escalate and necessitiate intervention from outside the school system.

Finally, while the use of grievance procedures is usually seen as related to internal school operations -- particularly for the resolution of matters involving students -- there is considerable merit to establishing community-oriented grievance procedures which can address complaints that citizens may have against the school system. The orderly, speedy and constructive resolution of parents' grievances is especially important during the desegregation process.

3. Effective School System Planning

As noted in the introduction to this section on the implementation of desegregation plans, a major component of the implementation effort relates to logistical matters affecting school operations. Because of the great public sensitivity regarding certain logistical problems, their effective handling becomes crucial for maintaining the support and cooperation of the community.

Although these issues cannot be discussed in depth here, a few words of commentary are in order on the most critical concerns.

Transportation Plans. It is hardly necessary to observe that one of the aspects of school desegregation which encounters the most opposition is the transportation of students. When students are transported out of their neighborhoods to attend school, parents invariably become anxious over the effect on their children. When a desegregation plan involves transportation of students, it is important that every effort be made to see that the process goes smoothly. Areas of particular concern to parents related to student transportation include: 1) the safety of the children while being transported; 2) the necessity that the transportation be reliable and run according to schedule (students must be picked up, arrive at school, and return home when they are supposed to); 3) the establishment of transportation plans which do not significantly interfere with the students' ability to participate in school activities; and 4) the limitation of transportation times to a reasonable length. By establishing a transportation plan which incorporates these features and offers parents these guarantees, much of the vehement opposition to transporting students can be overcome.

Emergency Access to Children. In those instances in which children are in attendance at schools outside of their immediate neighborhoods, parents voice concern about their access to the child, and the child's access to home, in the event of illness or injury. Many of these concerns can be allayed by the establishment of formalized procedures which are directed to the provision of emergency medical care and which provide for transporting

students who become ill during the school day to their homes. The institution of such procedures often can improve the level of care and treatment which students now receive in the schools, as well.

Safety and security. As had already been observed in a number of contexts, the physical well-being of their children is, perhaps, the issue of paramount concern to parents. While it is unlikely that physical harm will come to a student in any school setting, school administrators must establish procedures which insure the safety and well-being of all students in the system. Confidence in the security of their children is something that every parent with children in the public schools has a right to demand. Parents are much more likely to be supportive of school operations which offer them that guarantee.

4. The Monitoring Function

Monitoring commissions are another important device used in many desegregating school systems to facilitate the peaceful, orderly, and lawful desegregation of schools. While their exact powers, function, and structure vary from city to city, there are similarities which are shared by almost all such commissions. Those characteristics should be kept in mind in forming a monitoring commission in St. Louis.

The most common type of monitoring body in school systems which are operating under a court-ordered plan are those which have been established by the court. In their most elemental form, these monitoring bodies collect and analyze information relating to the operation of the schools and report that information to the court so a determination of compliance with the desegregation plan can be made. The powers and functions of the monitoring commission can also be much broader in nature, and include responsibility for such tasks as information

dissemination, conflict resolution, and coordination of the activities of all the community groups involved in the desegregation issue.

In any city in which a monitoring body is established, local conditions and needs will shape the powers and functions which are delegated to that body. Regardless, however, of the nature and extent of the monitoring commission's role (a determination which is usually made by the court), there is one important criterion for effectiveness and success. It is essential that the monitoring commission be given a clear and precise definition of the functions it is to perform. Unless it begins from such a base, it will prove almost impossible for the commission to overcome all of the technical and political difficulties it will face.

One additional note is in order before moving to a brief discussion of some of the factors which should be taken into consideration in establishing a monitoring body.

A frequent complaint heard from local parties in school desegregation cases relates to what is viewed as a lack of local control over the process. The charge is often leveled that outside agencies, particularly federal courts and the federal educational establishment, have infringed unduly on the operation of local schools. An effective, representative, and responsive monitoring body can serve to return a good portion of control to the local community. It is in the interest, then, of every group concerned about local control of the schools to support establishment of a strong monitoring commission.

Enumerated below are some of the considerations which should be taken into account in establishing a monitoring commission.

Structure of the Monitoring Commission. A wide variety of models are available for the exact form which the structure of the monitoring body takes, but there are two characteristics which appear important in assuring the success of the monitoring effort:

1) The monitoring body must be representative. It is essential that persons from all groups within the community be included on the commission. It is of critical importance that parents and representatives of the groups who are the plaintiffs in the case serve as the nucleus of the commission. A representative body will profit from the divergence of the views it accommodates and enjoy greater credibility in the community.

2) The monitoring commission will almost invariably benefit from having at least a small professional staff. A good portion of the commission's work will be technical and necessitate the performance of such time-consuming tasks as data-analysis, comparative research, writing, and report preparation. It is difficult, often impossible, to execute these functions with part-time citizen personnel.

Information Collection and Analysis. The backbone of most monitoring operations is the process of information collection and analysis. Possession of pertinent and accurate information provides the only sound basis from which decisions relating to school desegregation can be made. In this regard two primary needs emerge:

1) There is a need to provide adequate training to all persons connected with the monitoring function. Both volunteers and professional staff need to be schooled in what to look for -- and how to look -- when examining school operations to detect problems and assess the quality of education which is being offered.

2) Clear procedures must be worked out to coordinate the monitoring function with school operations. While it is necessary for monitoring bodies to have full and easy access to the schools, it is also important that interference with school operations at the building level be held to a minimum.

Reporting. Once the monitoring commission has collected, analyzed, and compiled the pertinent data in report form, it is necessary that the information be effectively conveyed to the Court, the schools, and the general community. Several things are necessary to facilitate this interchange:

1) The monitoring body should have access to the judge. Judicial access is essential in the conveyance of periodic formal reports, but also in the on-going operations of the commission.

2) Reports should be prepared in a form which facilitates use of the information which they generate, and which offers recommendations in a fashion which gives them a high probability of broad community acceptance.

3) Information generated by the monitoring body should be shared fully with both the School System and the community. Action in response to conditions which exist in the schools and the community can only come when persons are aware of those conditions.

Relationships of the Monitoring Commission with the Community

1) Relationships with Parents and Parent Groups.

An increasing point of sensitivity among parents with children in the public schools relates to the accountability of the school system and the degree of control which parents have over educational decisions affecting their children. The educational issues which surround school desegregation have historically proven to be of particular concern to all parents, both black and white. If parents are to feel comfortable with the monitoring body which is watching over the desegregation process, they must feel that they have substantive input and a fair share of control of the body's operations.

2) Relationship with the School System.

The existence and operations of the monitoring body often are quite threatening to the school system. Board members, administrators, faculty, and staff generally regard themselves as hard-working, well-motivated professionals whose business is the operation of the schools. School personnel cannot be expected to be completely enthused about the monitoring process, which almost unavoidably leaves school personnel with the uncomfortable feeling that someone is looking over their shoulders as they carry out their work.

The monitoring group must make every effort not to interfere in the operations of the schools, or give the impression that it is trying to run the school system.

Just as importantly, the commission should strive to frame its findings and recommendations as constructively and viably as possible so that the school system is encouraged to cooperate rather than being threatened by criticism and made defensive about making operational adjustments.

3) Establishment of Credibility with the Minority Community.

Members of the minority community frequently are conditioned by their previous experiences to expect officially constituted bodies not to be responsive to their needs. For the monitoring commission to maintain credibility in the minority community -- particularly if the commission is reporting that "all is well" in the schools -- every effort will have to be made to demonstrate its objectivity and fairness. Inclusion of strong minority representation is an important step toward winning this credibility

4) Establishment of Credibility with Opponents of Desegregation.

Many persons who are opponents of school desegregation are apt to regard the whole process as one which is inimical to their interest. Such groups are likely to view monitoring, or any other desegregation-related activity, as simply an additional instance in which their needs are being sacrificed to the needs of another group. If the monitoring body hopes to win the cooperation of these groups, it will have to demonstrate its desire and ability

to act equitably. A strong effort must be made to distinguish real problems and incidents from imagined ones and to deal factually and fairly with the legitimate needs of opponents of desegregation.

5) Clarification of Relationships with other Community Groups.

Almost invariably a wide array of community groups becomes involved in the desegregation issue. If the monitoring body is to avoid the difficulties which arise from unclear role definition, and the attendant political in-fighting, an affirmative effort will have to be made to clarify the relationship of the monitoring commission to these other groups. Such role definition will also enhance the possibility of realizing the positive benefits of cooperation.

6) Establishment of Good Channels of Communication.

The goals of the monitoring commission generally will be well-served by keeping all members of the community informed of activities and recommendations related to monitoring. Good channels of communication and good relations with the media will contribute to facilitating this informational process.

D. Technical Assistance, Funding and the School Desegregation Process

The intelligent and effective formulation and implementation of school desegregation strategies often requires the availability of a wide range of technical services and skills. In some instances the school system itself is able to provide this technical assistance. In other cases the schools lack the necessary resources, or political considerations dictate that services come from outside the school system.

Fortunately in most metropolitan areas there are a multitude of organizations and agencies which can be enlisted to provide assistance in the desegregation process. The availability of technical assistance is particularly crucial in such areas as human relations and problem-solving training, transportation planning, conflict resolution, public relations, policy analysis, and program implementation.

It is essential that the individual resource persons and technical assistance groups which are enlisted to provide services be experienced and competent, but it is also important that their work be coordinated to produce results which are complimentary. Just as there is likely to be a political scramble to fill the temporary political vacuum introduced by school desegregation, so too there is likely to be a scramble of technical assistance groups to get their share of the pie in providing services attendant to the desegregation process. The ethic which should be applied here is a simple one -- there are always more than enough tasks to keep competent technical resources busy, and coordination between these groups will enhance the quality of the overall desegregation effort. The community's leadership coalitions can facilitate coordination and cooperation between technical assistance bodies by providing strong direction, stressing a task focus, and helping to develop and define the role of each of these groups.

Another aspect of the technical assistance issue relates to the staffing of those agencies and organizations which are established in conjunction with the school desegregation process. Such groups as leadership coalitions and monitoring commissions usually will profit

greatly by having at least a small professional staff. The two primary problems which arise in this regard relate to staff quality and financial support for staff operations.

While the successful resolution of the desegregation issue is of vital concern to the community, and requires the application of the best resources the community can muster, it is not always easy to obtain quality staff personnel for the ad hoc operations which are set up to facilitate desegregation. It is the short-term notice of need and the brief duration of these operations which create this problem.

One strategy which can be employed in attempting to fill key staff positions is to explore the possibility of "borrowing" professionals from organizations within the community. Business and labor groups, service agencies, and educational and governmental institutions have control over a vast store of highly trained and experienced personnel. In many communities these groups have been willing to make staff available to assist in desegregation, either by granting them leaves of absence or retaining them as employees and detailing them to agencies involved in the desegregation effort.

Finally, many of the community-based efforts which are undertaken to assist in the implementation process find that the first issue that they face is that of securing a source of financial support. Because these operations are often large in scale and take place outside of the regular patterns of governmental, charitable, and foundation fund allocation, their financial needs have proven difficult to fill.

Private foundations and civic organizations have provided the most common source of financial support for these operations, although on occasion direct fund-raising or membership drives have been undertaken.

Historically little federal educational money has been forthcoming to support this type of assistance, but recent Emergency School Aid Act (ESAA) guidelines do make some funds avaiable for the first time. There also has been an increase in the financial support for implementation activities coming from state boards of education. On occasion the financial support of the state's educational agency has been voluntary, more frequently it has come by court order. These funding constraints necessitate that the search for financial support be undertaken early in the preparation process.

APPENDICIES

A) Chronology of Legal Proceedings

B) Enrollment Data, 1976-77 and 1977-78 School Years

C) Summary of the Stances of Parties with Legal Standing

D) Legal Counsel for Parties in the Case

Appendix A

Chronology of Legal Proceedings

February 18, 1972	Suit filed by Concerned Parents of North St Louis (Liddell, et al vs. Board of Education of the City of St. Louis).
December 24, 1975	Judge Meredith issues Consent Decree.
December 13, 1976	NAACP admitted to case as plaintiff-intervenor by Eighth Circuit of U.S. Court of Appeals.
February 28, 1977	School Board proposal for reduction of racial isolation in the high schools submitted.
April 21-22, 1977	Meetings of counsel called by Judge Meredith seeking "common ground" under Consent Decree.
July 13, 1977	Judge Meredith issues order finding need to determine constitutional violation and setting trial date.
July-August, 1977	Parties with status as Amicus Curiae granted standing as plaintiff-intervenors; State Board of Education, State Commissioner of Education, and State of Missouri named as Co-defendants.
October 17, 1977	Trial proceedings to determine if St. Louis school board has been guilty of constitutional violation begin.

Appendix B

Enrollment Data-St. Louis Public Schools

	School Year	
	1976-77	1977-78
Total Enrollment	84,003	78,852
Racial Composition:		
Black	71%	73%
White	29%	27%
Magnet School Enrollment	2,262	3,680
Racial Composition:		
Black	56%	66%
White	44%	34%
Magnet School Enrollment as percentage of system total	2.69%	4.66%

Appendix C

Summary of the Stances of the Parties with Legal Standing in the Case

1. Concerned Parents of North St. Louis

It is the contention of this group, as the original plaintiffs in the case, that their children have been the victims of discriminatory racial practices and that the 14th Amendment of the U.S. Constitution has been violated. Concerned with securing quality education for their children, they have approached the Court for remedy of the alleged violations.

2. Board of Education of the City of St. Louis

The original defendants in the case contend that, while a significant amount of racial separation exists in the St. Louis schools, the situation is not the result of Board action. Current racial patterns, according to the Board, have been created first by a state-mandated legally dual school system, and later by patterns of residential location. Board attorneys are arguing for a desegregation plan which involves St. Louis suburban districts and in which the State of Missouri provides assistance.

3. National Association for the Advancement of Colored People

In entering the case, it was the initial contention of the NAACP that the original plaintiffs did not adequately represent the class of pupils who had been the victims of discriminatory practice, and that the Consent Decree was deficient because it did not mandate desegregation forthwith. The NAACP is seeking a comprehensive and far-reaching system-wide desegregation plan.

4. U.S. Department of Justice

It is the argument of the United States Department of Justice that the constitutional rights of black school children in the St. Louis school system have been violated, and that a plan for remedy of that situation should be mandated by the court.

5. Concerned Parents for Neighborhood Schools

The Concerned Parents for Neighborhood Schools argue that the St. Louis Public Schools have not been guilty of discriminatory racial practices and, therefore, there is no need for a court-ordered desegregation remedy. The group strongly supports the concept of neighborhood schools and opposes, on constitutional grounds, any plan which assigns children to schools solely on the basis of race.

6. City of St. Louis

The City of St. Louis also takes the position that it was not the practices of the Board of Education that created racial separation in the schools, and that there is no legal basis for the imposition of a desegregation remedy. The City is concerned with a continuation of "white flight", arguing that destruction of the neighborhood school will lead to the destruction of the neighborhood and ultimately the City.

7. Involved Citizens Committee

The scope of the Involved Citizens Committee, and the role which that groups has played in the legal proceedings, has been much more limited than that of the other parties with legal standing in the case. The group is concerned with modification of only one portion of the

desegregation plan submitted by the St. Louis School Board which relates to high school feeder patterns in the area in which the group is based.

8. State of Missouri

Based on the ultimate responsibility which the State holds for those units of government to which it has delegated its authorities, the Court named the Missouri State Department of Education, the State Commissioner of Education, and the State of Missouri as co-defendants in the case. It is the contention of the State that the matter is essentially a local one in which it has limited liability and should, therefore, have a limited role in remedy.

Appendix D

Legal Counsel for Parties with Standing in the Case*

1. Concerned Parents of North St. Louis (Liddell, et al), original plaintiffs:

   Joseph S. McDuffie
   William P. Russell

2. St. Louis Board of Education, defendants:

   John H. Lashly
   Paul B. Rava

3. National Association for the Advancement of Colored People (Caldwell, et al), plaintiff-intervenors:

   Louis R. Lucas
   Richard Fields
   Barbara B. Dickey
   Ferriss D. Elliott
   David A. Lang
   Nathaniel Jones

4. Civil Rights Division, United States Department of Justice, plaintiff-intervenor:

   J. Gerald Hebert
   W. Jerry Johnson
   Thomas Yannucci
   Drew S. Days III (Assistant Attorney General for Civil Rights)
   Jean C. Hamilton

5. Concerned Parents for Neighborhood Schools (Adams, et al), plaintiff-intervenor:

   Anthony J. Sestric
   Leo Garvin

6. City of St. Louis, plaintiff-intervenor:

   Charles Kunderer
   Jack L. Koehr

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*Principal trial attorney's name appears first.

7. Involved Citizens Committee (Puleo, et al), plaintiff-intervenor:

Robert J. Koster

8. State of Missouri, co-defendant:

Sheila Hyatt